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LOUISIANA HISTORICAL SOCIETY

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THE FIRST STATE TRIAL IN LOUISIANA

Documents Covering the Impeachment of Bienville Under
Direction of Louis XIV Before Diron D'Artaguette,
Special Commissioner, at Fort Louis, Mobile,
February 24-27, 1708.

Introduction by Henry Plauché Dart

WHEN Iberville constructed the fort at Biloxi in 1699, he placed Sauvolle in command, with Bienville next in rank. Upon the death of the former in 1702 Bienville succeeded by virtue of his commission and he was the executive of the Colony, in his capacity as Lieutenant in command, until 1707, when de Muy was appointed Governor of Louisiana and Diron D'Artaguette, Commissioner General ("Commissaire Ordonnateur") with instructions to examine into charges which had been preferred against Bienville by Nicholas de La Salle, the Commissary, abetted by de la Vente, the Curate of the Colony. The newly appointed Governor died at sea en route to Louisiana and D'Artaguette came on alone. Under the purpose of his mandate and the powers conferred therein, D'Artaguette outranked Bienville, who, however, continued to function as Lieutenant in charge of the military forces.

D'Artaguette entered at once upon the exercise of the duties of his office and on the 24th of February, 1708, he opened a formal inquiry into the charges against Bienville and continued this from day to day finishing the same on February 27th. The conduct of the Inquiry was strictly in line with the French law of Criminal Procedure adopted in 1670. It was necessarily *ex parte* because that was the command of the Statute. The accused was advised of the charges, but he had no right to be present at the hearing, nor to be represented there. He did have

the right to challenge any witness for cause and this necessitated his presence when the oath was administered to them. The record shows he exercised the privilege as to several of the witnesses.

The historians of Louisiana have noticed this incident in Bienville's early career in Louisiana, but have not given the investigation the importance it deserves, for it was not only the first judicial investigation in Louisiana, but the only one up to that time that involved the place and perhaps the life of the accused. The King conferred full power on D'Artaguette, not only to investigate the charges but to arrest Bienville and send him as a prisoner to France. It was therefore a great event in the young Colony, and though now almost forgotten, the record of the trial is worthy of preservation here, to show how such things were conducted in the first years of French rule in Louisiana.

The documents printed herewith do not cover the long series of complaints against Bienville that harassed his early career in Louisiana, culminating in this trial, but the papers now printed are in every respect complete and apparently cover all that was said and done at that particular time. There are no indications in the recent Indices of the French Archives, that any papers exist showing subsequent reports by D'Artaguette. In the Report made by him and here reproduced, he does not specifically acquit Bienville, possibly because that was not within his power, and for many years thereafter the unsettled issue remained before the Council of State in Paris to vex the home government and to annoy Bienville. In 1710 Cadillac was appointed Governor of Louisiana to fill the vacancy created by the death of De Muys, but he did not assume the office until the transfer to Crozat in 1712. In this last year, Duclos was appointed Commissaire Ordonnateur to replace D'Artaguette who had returned to France in 1710. The royal instructions issued to Cadillac in 1710, and to him and to Duclos in 1712, authorized them to reopen the charges against Bienville, but nothing was done by these officers and the matter was allowed to be forgotten.

THE documents printed herewith are translated from copies of the originals in the French archives. These copies were made years ago under the supervision of Dr. Dunbar Rowland for the State of Mississippi and they are now in the Department of Archives and History of that State. Dr. Rowland is Director of the Department and also State Historian of Mississippi. He

has kindly permitted the Quarterly to make use of these documents and they have been translated for us by Albert Godfrey Sanders, Professor of Romance Languages, Millsaps College, Mississippi. Every line of this translation is dignified by ability not only to understand the French text, but to transmute it into limpid English that preserves the soul of the original. Mr. Sanders has also enriched the document with helpful explanatory notes and comments.

The Quarterly prints the translation without change, except that we have divided the documents into paragraphs with headings, indicative of their contents. The figures, (*ex greg p. 2*) scattered through the text are the pages of the French originals. Briefly stated the documents are:

1. Instructions of Pontchartrain, Minister of Louis XIV, to D'Artaguette inclosing the charges against Bienville and directing him to investigate and if necessary to arrest the accused and send him prisoner to France.
2. D'Artaguette's brief report of his conclusions after hearing the evidence.
3. Abstract of the testimony taken by him and transmitted with his report, or made in France for use there.
4. The testimony in full of the several witnesses examined by D'Artaguette at Fort Louis (Mobile) on February 24-27, 1708.

D'Artaguette's Report refers to the Charges but does not incorporate them and this makes his Report somewhat obscure, but enough is found in it to show the general character of the accusations preferred by La Salle. D'Artaguette's comment on these items is clear and convincing. Another thing standing out in the evidence is that Bienville did not lack friends in the Colony and their testimony was evidently credited by the Judge. Of these witnesses, Joseph and Jacques Chauvin were members of a family destined to high and honorable place in the later history of the Colony. There were four brothers with the family name Chauvin, "who followed Bienville to Louisiana. Like the Lemoynes they affixed to their family names, titular designations, De Lery, Beaulieu, de LaFreniere, Boisclair and the like."¹ Two of these men were among the first settlers at Fort Louis (old Mobile) and when the seat of the Colony was transferred to New

¹Grace King, *Old Families of New Orleans*, 169.

Orleans, land grants established all the brothers and other relatives at the Tchoupitoulas. These men figure in all the events of our early history and however little may now be remembered of the Early Colonial Chauvins, the descendant of one of them, Nicholas Chauvin de la Freniere, won immortality by his martyrdom for leading the Revolt against Ulloa in 1765.

Documents Covering the Impeachment of Bienville in 1708.

Translated from copies of the original documents in the French Archives
of the Department of Archives and History of Mississippi.

by

ALBERT GODFREY SANDERS

Professor of Romance Languages, Millsaps College, Miss.

I.

The King of France prefers charges against Bienville and instructs De Muy to investigate and if satisfied of the truth of the charges to arrest Bienville and send him prisoner to France.

PONTCHARTRAIN TO DE MUY

Ministry of the Colonies, Series C. 13, General Correspondence of Louisiana, Vol. 2, Pages 1-11; copy Vol. 2, pages 38-40. July 23d, 1707, Marly. Count de Pontchartrain to Mr. De Muy. He directs him to make an investigation against Mr. De Bienville as a result of the complaints that he has received about him from Mr. Nicolas De La Salle, performing the functions of Commissary of the Navy in Louisiana.

(p.1)

Sir:-

Since the letters that I have written to you and the memorandum from the King that I have sent to you about what concerns the affairs of the colony of Louisiana, I have received new letters from Sieur de La Salle who is performing the functions of Commissary there, in which he continues to complain vigorously² of the conduct of Sieur de Bienville. On the account of them that I rendered to his Majesty he has ordered me to send you an abstract of them and you will find it enclosed herewith. If all that it contains is true, the said Sieur de Bienville is very guilty and deserves punishment. His Majesty desires you to

²The French word is *fortement*.

examine carefully with Sieur d'Artaguette, Commissary of (p. 2) the navy who is going over with you, to whom I am also sending a like abstract of these letters, all the facts that are contained in it and to have all the effects of the said Sieur de Bienville seized if you find proofs that he has been untrue to his trust³ in his functions and that he has appropriated the effects of his Majesty. He also wishes, in case you find him guilty in such a way that you are both convinced of it after having conferred with each other about it, you to have him arrested and to send him to France as a prisoner in keeping with the order that you will find enclosed herewith. But be careful to take this measure only after it has appeared clear to both of you that he deserves this treatment, and not otherwise. It will be necessary for (p. 3) you to send me a memorandum with full details⁴ of all that you have learned of the conduct of the said Sieur de Bienville, both about the new facts contained in the abstract of the letters of the said Sieur de La Salle as well as about all the points that concern him of which mention is made in his Majesty's memorandum which has been sent to you, together with the proofs of them that you will be able to obtain. I pray you to act in everything in this matter in concert with Sieur d'Artaguette. You will take care to send back to me his Majesty's order to arrest the said Sieur de Bienville in case you do not have it executed. I am convinced that you will act in this whole matter in such a way that his Majesty will have reason to be pleased with you and that nothing will prevent you from rendering a faithful (p. 4) and exact account of everything that you will learn about the conduct of the said Sieur de Bienville and of the dependants⁵ whom he and his brother D'Iberville had established in this country.

I am,

Sir,

Your very humble and very affectionate servant

Pontchartrain.

At Marly, July 23d, 1707.

³The French phrase is *qu'il ayt prévariquer dans ses fonctions*.

⁴The French phrase is *un mémoire bien détaillé*.

⁵The French word is *creatures*.

II.

D'Artaguette's Analysis of the Charges under the Evidence.

Ministry of the Colonies, Series C. 13, General Correspondence of Louisiana, Vol. 2, pages 71 to 75; copy Vol. 2, pages 96 to 101. February 25th, 1708, Fort Louis. Mr. D'Artaguette. Memorandum of Mr. D'Artaguette concerning the reply to the complaints formulated by Mr. De La Salle on the 1st of October, 1706, against Mr. De Bienville, and which had been previously transmitted to Mr. De Pontchartrain.

(p. 71)

Memorandum serving as a reply to the complaints that Sieur De La Salle [had] made on the first of October, 1706, which were sent to me by my lord the Count De Pontchartrain on July 23d, 1707.

ON THE FIRST ARTICLE

It appears by the evidence I have taken* that there is no complaint at all of Sieur de Bienville. I shall make others in the future. I began with the inhabitants who seem to me the least interested in the private disputes.

ON THE SECOND ARTICLE

It does not appear to me that Sieur de Bienville has taken possession of his functions.

ON THE THIRD ARTICLE

This article is a fact. The truth will be seen in the testimony that I am sending to the Court and [in that] of those that I shall send later.

ON THE FOURTH ARTICLE

It is these backwoodsmen who give news of the Indians and keep us in their friendship, partly because the Indian's horror is a man who gives him nothing and because these people always bring them something. When there are any of them who behave badly towards them it is necessary to punish them. It is so much the more easy because they do not fail at all to (p. 72) take themselves every year to the fort for the arrival of the vessels.

ON THE FIFTH ARTICLE

It is the same with this article as with the articles above, the truth of which results from the testimonies taken and to be taken.

*The French is *Les Informations que J'ay faites.*

ON THE SIXTH ARTICLE

It is a warehouse that formerly belonged to Mr. D'Iberville and which at present belongs to Mrs.⁷ Le Sueur, their cousin. I made a request of her to rent it in order to provide myself with lodgings in it. I saw it. There are at present only a few pairs of shoes, some old iron, some tools for a sawmill and others for a tannery. I shall see in the testimony that I shall take against Mr. D'Iberville and his brothers, of the crews the use that they have made of the vessels, what commerce has been carried on at } the warehouse, and I shall render an account of it.

ON THE SEVENTH ARTICLE

The provisions that Mrs.⁸ Le Sueur takes from the warehouse are delivered to her as to the rest of the inhabitants for money. I do not see that this assistance can be refused to this poor widow burdened with four children. I shall take pains that only her living is distributed to her from it.

ON THE EIGHTH ARTICLE

The greatest occupation of the keeper of the warehouse is to keep the account of the supplies for the soldiers, which happens (p. 73) only every month. In regard to the guardians that he requests, one is enough to open and close his warehouse.

ON THE NINTH ARTICLE

The man named Humery has not been in the warehouses for more than a year, nor consequently on the pay of the King. He is a wretch, naked and reduced to beggary.

ON THE TENTH ARTICLE

The Canadians are asking for their discharge, not being able to live on their pay in this country. For the rest of this article one will see the truth in the testimony that I am sending and in that which I shall take hereafter.

ON THE ELEVENTH ARTICLE

This church has fallen. The hospital for the sick is covered. Only the doors and the windows are now lacking. I shall take pains to have them made and to have them put in place. The warehouse of Massacre Island is finished.

ON THE TWELFTH ARTICLE

Use for reply Article 5 of the other memorandum.

ON THE THIRTEENTH ARTICLE

In regard to this article refer to the testimony.

⁷Melle. Le Sueur leur cousine.

⁸La Dame. Le Sueur.

ON THE FOURTEENTH ARTICLE

This man is here and he is poor. When anything is done for him he will be made to pay.

ON THE FIFTEENTH ARTICLE

I shall investigate this article and I shall render an account of it. (p.74).

ON THE SIXTEENTH ARTICLE

The commerce that has been carried on and that which it will still be possible to carry on as long as this colony is no further advanced can result only from the funds that have been provided in money.⁹ On the arrival of the vessels it was the custom to pay each one the balance due him. All those in the King's pay paid where they owed and with the remainder bought clothes for their use on board these same vessels at the price at which they were willing to sell to them, which doubtless has always been excessive; so, very far from being able to buy merchandise to trade with the Spaniards, they have always found themselves in debt as they still are to-day.

ON THE SEVENTEENTH ARTICLE

The private quarrels that Sieur de Bienville, the Commandant, and Sieur de La Salle, performing the functions of Commissary, have given ground, as I can discover, to many facts which this latter has set forth. He complains that a soldier of Vaulézard's ¹⁰ company stole goods to the value of 162 livres, which were received and concealed by an inhabitant. This inhabitant was condemned to pay this sum and a fine of 138 livres. It seems to me that he ought to be satisfied with this justice. (p. 75).

He complains that the warehouses are open at all hours of the day. He merely had to order as I did that they shall be open from two¹¹ in the afternoon until five in the winter and in summer from seven until ten and from three in the afternoon until six. When that has once been made known those who need anything will conform to it.

ON THE EIGHTEENTH ARTICLE

As for the building that the late Sieur D'Iberville had had begun in 1702, the man named Le Roux, an assistant shipbuilder of Rochefort, had begun it with the carpenters from the vessels. This man went back to France with Mr. D'Iberville. He left it uncompleted and no workmen have been found here at all who have been able to finish it. It is decayed.

⁹The French is *ne peut provenir que des fonds qui ont été portés en argent.*

¹⁰This name is variously spelled *Vaulézart*, *Vaulézard*, *Volezard*; it appears here as *Vaulézar*.

¹¹The copyist calls attention by a "sic" to the fact that the word *heures*, corresponding to "o'clock" in English, is omitted throughout this passage.

ON THE NINETEENTH ARTICLE

I shall do all within my power to secure the proceeds of the profits contained in the statement that has been sent to me.

Done at Fort Louis,¹² Louisiana, February 25th, 1708.

D'Artaguette.

III.

D'Artaguette's Abstract of the Evidence heard by him.

Ministry of the Colonies, Series C. 13, General Correspondence of Louisiana, Vol. 2, pages 249 to 312; copy¹³ Vol. 2, pages 44 to 95. Mr. D'Artaguette, Commissary of the Navy. Abstract of the testimony taken by Mr. D'Artaguette of the investigation against Mr. De Bienville. Statement of the examination of eight witnesses, all inhabitants of Mobile.

(p. 249)

Abstract of the Testimony¹⁴ Taken by Mr. D'Artaguette against Mr. De Bienville, February 24th, 25th, 26th and 27th, 1708.

This testimony is composed of eight witnesses, all inhabitants of Mobile.

Joseph Chauvin
Jean Baptiste Sausier
Guillaume Boutin
Jean Baptiste La Loire

Francois Trudeau
Estienne Burel
Jacques Chauvin
Rene Boyer

Of these eight witnesses the seven first as well as the eighth declare that they have no knowledge that any effects belonging to the said Sieur de Bienville has been put on board the King's vessels or that the said Sieur de Bienville has disposed of the effects of the King that was in his warehouses.

These seven first witnesses also declare nothing (p. 250) against said Sieur de Bienville of all the other facts contained in the instructions sent to the said Sieur D'Artaguette on the 30th of June, 1707, and in the letter of Sieur De La Salle of the 1st of October, 1707. On the contrary they said that they were very well pleased with the government of the said Sieur de Bienville and that they had nothing to say against his conduct and his person to the extent that it was to be wished that there should never be any other than he.

René Boyer, the eighth witness, to the question that was asked him whether he was pleased with the government of the

¹²The fort of Mobile.

¹³The copy here referred to is the transcript in the Mississippi Department of Archives and History.

¹⁴The French word is *information*. (Note by the Editor of the Quarterly.—The word has a double meaning, (a) the process on which a written investigation would be based; (b) the evidence forming the body of the process).

said Sieur de Bienville and whether he knew anything about his conduct or his person declared that he did not, but that one day when he had refused to put together and clean a gun that Sieur Darrac had brought to him the said Sieur de Bienville had made him spend twenty days in irons, and that he has always had him put into prison for very slight causes. Declares that the vessels on all their voyages have brought goods for the account (p. 251) of Bienville and of Sieur de Chateaugué, his brother, but that he does not know their quantity.

Declares that he knows Madame¹⁵ Le Sueur, a relative of Messrs. De Bienville and De Chateaugué; that she sells their goods which consist of brandy, linen, hats, shirts, shoes and other [goods]. These goods she keeps in her house and in another warehouse near the water which belonged to the late Mr. D'Iberville; that Mr. D'Iberville had had some there and that he had bought powder there; that at that time this warehouse was full; that he had seen twenty barrels of powder and all other sorts of merchandise there.

Declares that he also saw powder and much other merchandise in the house of Sieur de Bienville at the fort and that the powder that was being sold at the warehouse belonged to the King's powder-magazine.

Declares that Sieur de Bienville once gave an Indian two pounds of powder (p. 252) to oblige him to say that he had sold him a share belonging to the King.

Declares that while he was in the pay of the King he worked for the private service of the family of Sieur de Bienville, on account of which the arms of the King have been damaged, and that he has heard it said that more than three hundred guns had been lost.

Note that of these eight witnesses Mr. De Bienville challenges¹⁶ Burel, Boutin, Lalemand¹⁷ and Boyer.

Burel, because having been accused and convicted by a soldier of having been his receiver and of having bought from him what he had stolen from the King's warehouse to the value of fifty crowns, he condemned him to a fine of fifty crowns and prohibited him from keeping¹⁸ a wine-shop for six months by the advice of the officers of the garrison and of Mr. De La Salle.

Boutin, because having gone to Pensacola in spite of him and having remained there five months in contempt of his orders, he had him put under arrest. (p. 253).

Lalemand, because he had him put in irons in order to punish him for a fraud and a crying injustice that he had done to an inhabitant, and Boyer because he had him likewise put in

¹⁵The translator thinks that the title here used, *la dame*, refers to social standing and not to the fact that the lady was unmarried. Le Sueur's mother was a first cousin of Bienville.

¹⁶The French word is *recuse*.

¹⁷The translator thinks that this must be the nickname by which one of the eight witnesses was commonly known. See the note on page 310 (last page).

¹⁸Literally "and not to keep."

irons for having mortally wounded an old corporal without cause and for having mistreated a company ensign.

(p. 255)*

IV.

D'Artaguette's Proces-Verbal of the Hearing before him, with the evidence adduced thereat.

LOUISIANA

Investigation Officially Held by Order of My Lord, the Count de Pontchartrain, by Us, Commissary of the Navy, Sent by Order of the Court to the Inhabitants of this Town.

ON FEBRUARY 24th, 1708

Questioned as to his name, surname, age, quality and religion he said, after having taken and received the oath required and customary in the case by which he promised to tell the truth, that his name is Joseph Chauvin, called DeLery, thirty-three years of age, of the Catholic and Roman Apostolic religion.

FACTS CONTAINED IN MY FIRST INSTRUCTIONS.
OF JUNE 30th, 1707.

Questioned as to whether he had no knowledge of the voyages that the King's vessels have made at sea, he said that he knew nothing else than that the vessels of the King have made several voyages to Vera Cruz and to Havana in order to carry provisions.

Questioned whether he did not send goods belonging to him on these vessels to the ports of Mexico, of what they consisted and what return he got from them, he said that he had not.

Questioned whether he does not have knowledge that (p. 256) effects belonging to the late Mr. D'Iberville and to his brothers, Messrs. De Bienville and De Chateaugué or to other officers were put on board, he said that he did not.

Questioned whether it is not true that he bought and saw sold meats that the Indians brought in exchange for the presents that the King gives them, he said that very far from having bought any, Sieur de Bienville sent him some in the illnesses that he had.

Questioned whether it is not true that he, the deponent, bought merchandise from Sieurs de Bienville and de Chateaugué, what merchandise and at what price, he said that he had once bought from one of the servants of Sieur de Bienville some striped linen of the value of about fifty livres. Said that he did not remember the price at all.

*Copyist's note: "page 254 is a blank page."

Questioned whether it was not true that Sieur de Bienville always had a warehouse under another name than his own and that he, the deponent, bought goods; of what sort and at what price he resold them, he said that he knows nothing about it, that he bought, it is true, from (p. 257) Sieur Lallemand several knives, a gun for his own use, some shoes and some shirts for his own use, and said that the gun cost him sixty livres, the shoes two *piastrés* and some stockings for a *piastre* and a half.

Questioned whether it is not true that Sieur de Bienville sent some Canadians and some men maintained in the King's service to travel through the woods and gather peltries, he said that it was not, but that he heard it said that he sent [men] to the Mississippi and toward the Isliaris¹⁹ to carry the presents the King gives the Indians.

Questioned whether it is not true that these Canadians carried on trade during all these expeditions on behalf of Sieur de Bienville and whether he, the deponent, did not buy any, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville had an Alabama prisoner burnt with slow fire at the gate of the fort, he said that he did not, that he only saw an Indian killed by some slaves and that this Indian (258) was one of those who killed a priest and who burnt some Frenchmen.

FACTS THAT SIEUR DE LA SALLE ADVANCED IN HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHARTRAIN.

OF OCTOBER THE 1st, 1707

Questioned whether he is pleased with the government of Sieur de Bienville and whether he knows nothing against his conduct or his person, he said that he was very well pleased with Sieur de Bienville and would never desire any other in this country.

Questioned whether he saw that Sieur de Bienville disposed of the goods of the King that were in the warehouses and whether none at all were delivered to him, the deponent, without Sieur de La Salle's having knowledge of it, for how much and what quantity, he said that when he took anything for his money from the King's warehouse it was never except by a note from Sieur de Bienville [which was] seen by Sieur de La Salle. About the rest he said "No."

Questioned if it is not true that Sieur de Bienville sold or caused to be sold the wine that he sends for (p. 259) for his own supply, at what price, by whom and how much, he said that he had never bought any or heard it said that he sold [any], but that the said Sieur de Bienville sent him some from his own supply when he needed it.

Questioned whether he has knowledge that the King sends wine for the sick, he said "Yes."

¹⁹The French phrase is *au Missisipy et yours Les Isliaris.*

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and sold, he said "No."

Questioned whether he knows the man named Humery and what sort of a man he is, he said "Yes" and that he is a man who was a warehouse-keeper for a long time.

Questioned whether he has no reason to complain of this man, he said "No."

Questioned whether it is not true that the Canadians have sold at exorbitant price goods that were delivered to them from the warehouses at a moderate price, (p. 260) he said "No."

Questioned whether he, the deponent, has not bought some from them, of what sort and for how much, he said "No."

Questioned whether it is not true that they have even sold them back to the King at four hundred per cent above the price at which they had been delivered to them, he said "No" and that he had never heard any talk of it.

Questioned whether it is not true that goods have been unloaded from the King's vessel *L'Aigle* for the account of Mr. De Noyan and what amount, he said that he has not had any knowledge of it at all.

Questioned whether he, the deponent, has not bought any of them at all, how many and at what price, he said "No."

Questioned whether it is not true that Sieur de Bienville, the Commandant, and Sieur de Chateaugué, his brother, have bought some, how many and at what price, he said that he knows nothing about it.

Questioned whether it is not true that they have sent them to be sold at Vera Cruz by the King's vessels (p. 261), he said that he knows nothing about it.

Questioned whether it is not true that on all the voyages the vessels have carried goods on the account of these two brothers, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville dispatched a ship's-boat after another which was bearing the letters of Mr. De La Vente, curate on board the *Aigle*, he said that he has never heard any talk of it.

Questioned whether it is not true that the ship's-boat dispatched by Sieur de Bienville having overtaken the one dispatched by Sieur de La Vente he had the letters delivered to him, he said as above.

Questioned whether he does not know at all the people who were in these ship's-boats, he said that he saw several of the inhabitants depart to go and buy merchandise and no others.

The present interrogatory having been read to him he said that it contained the truth, maintained it and signed.

Thus signed De Lery. Collated with the original.

D'Artaguette.

(p. 263)²⁰

LOUISIANA

Interrogatory officially held by order of my Lord the Count de Pontchartrain by us, Commissary of the Navy, sent by order of the Court to the inhabitants of this town.

OF THE 25th OF FEBRUARY, 1708

Questioned as to his name, surname, age, quality and religion he said, after having taken and received the oath customary and required in the case by which he promised to tell the truth, that his name is François Trudeau, thirty-four years of age, a carpenter, of the Catholic, Apostolic and Roman religion.

FACTS CONTAINED IN MY FIRST INSTRUCTIONS.

OF THE 30th OF JUNE, 1707.

Questioned whether he has no knowledge of the voyages that the King's vessels have made to the sea, he said "Yes," of two or three voyages.

Questioned whether he did not send some goods belonging to him in these vessels to the ports of Mexico, of what they consisted and what return he got from them, he said "No."

Questioned whether he has no knowledge that there were put on board some goods belonging to the late Mr. D'Iberville (p. 264) and to his brothers, Messrs. De Bienville and De Chateaugué or to other officers, he said that he knews nothing about it.

Questioned whether it is not true that he bought and saw sold some meat that the Indians brought in exchange for the presents that the King gives them, he said that as for that which the Indians brought he always saw them give it and that he got some several times in his sickness.

Questioned whether it is not true that he, the deponent, bought merchandise from Sieurs de Bienville and de Chateaugué, what merchandise and at what price, he said "No," but that he did buy a slave from Sieur de Bienville for one hundred *piastres* whom he would not sell at present for three hundred.

Questioned whether it is not true that Sieur de Bienville has always had a warehouse under another name than his own and that he, the deponent, bought merchandise, of what sort, at what price he resold it, he said "No."

Questioned whether it is not true that Sieur (p. 265) de Bienville has always sent Canadians and men maintained in the King's service to travel through the woods and look for peltries, he said that he has never heard any talk about it; that however he has gone to the Mississippi several times.

Questioned whether it is not true that these Canadians were carrying on trade during all these trips on the account of Sieur de Bienville and whether he, the deponent, did not buy anything

²⁰Copyist's note: "Page 262 [is] blank."

from them, he said "No," that he has seen only two who had just taken back Mr. Bergier, a missionary, and that while returning they killed some deer whose skins they brought; that that is for them and that that may amount perhaps to thirty piastres for each of these two men.

Questioned whether it is not true that Sieur de Bienville had an Alabama prisoner burnt with slow fire at the gate of the fort, he said "No."

FACTS THAT SIEUR DE LA SALLE ADVANCED BY HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHAR-
TRAIN. OF OCTOBER THE FIRST, 1707.

Questioned whether he is pleased with the government of (p. 266) Sieur de Bienville and whether he knows nothing against his conduct or his person he said "No" and that he has only good to say of him.

Questioned whether he saw that Sieur de Bienville disposed of the goods of the King that were in the warehouses and whether some were not delivered to him, the deponent, without Sieur de La Salle having had knowledge of it, for how much and what quantity, he said "No."

Questioned whether it is not true that Sieur de Bienville sold or caused to be sold the wine that he sent for for his own use.²¹ at what price by whom and how much, he said that knows nothing about it.

Questioned whether he has knowledge that the King sends wine for the sick, he said "Yes."

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and sold, he said that he knows nothing about it and that he does not believe it at all. (p. 267).

Questioned whether he knows the man named Humery and what sort of man he is, he said "Yes" and that he was a warehouse-keeper.

Questioned whether he does not have ground to complain of this man, he said "No."

✓ Questioned whether it is not true that the Canadians sold at an exorbitant price goods that were delivered to them from the warehouses at a moderate price, he said that he has no knowledge of it at all.

Questioned whether he, the deponent, has not bought some from them, of what sort and for how much, he said "No."

Questioned whether it is not true that they have even sold them back to the King at an increase of four hundred per cent above the price at which they had been delivered to them, he said that he has no knowledge of it at all.

Questioned whether it is not true that goods have been landed from the King's vessel *L'Aigle* for the account of Mr. De

²¹The French of this phrase is *Le Vin qu'il a fait venir pour sa provision*.

Noyan and his officers and how much, he said that he knows nothing about it. (p. 268).

Questioned whether he, the deponent, did not buy some, how much, and at what price, he said that he bought from the *Aigle* a barrel of brandy from Sieur Le Roux, some stockings, some shoes and some linen for his own use from several.

Questioned whether it is not true that Sieur de Bienville, the Commandant, and Sieur de Chateaugu  , his brother, bought some, how much and at what price, he said that he knows nothing about it.

Questioned whether it is not true that they have sent them to be sold at Vera Cruz by the King's vessels, he said that he has no knowledge of it.

Questioned whether it is not true that on all the voyages the vessels have brought goods for the account of these two brothers, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville dispatched a ship's-boat after another that was carrying the letters of Mr. La Vente, the curate, to the *Aigle*, he said that he has no knowledge of it at all. (p. 269).

Questioned whether it is not true that the ship's-boat dispatched by Sieur de Bienville having overtaken the one dispatched by Sieur de La Vente, he had the letters delivered to him, he said that he was at Massacre [Island] when the ship's-boat dispatched by Sieur de La Vente had arrived there and that it was said that they were his letters.

Questioned whether he does not know at all the people who were in these ship's-boats, he said "No."

The present interrogatory having been read to him he declared that it contained the truth, maintained it and signed with us.

Collated with the original.

D'Aartaguette.

(p. 271)²²

LOUISIANA

Interrogatory officially held by order of my lord the Count de Pontchartrain by us, Commissary of the Navy, sent by order of the Court to the inhabitants of this town. On February 25th, 1708.

Questioned as to his name, surname, age, quality and religion, he said, after having taken and received from him the oath required and customary in the case, by which he promised to tell the truth, that his name is Jean Baptiste La Loire, thirty-two years of age, of the Catholic, Apostolic and Roman religion.

²²Copyist's note: "270 [is a] blank page."

FACTS CONTAINED IN MY FIRST INSTRUCTIONS.
ON JUNE 30th, 1707.

Questioned whether he has no knowledge of the voyages that the King's vessels have made at sea, he said "No," that Mr. De Bienville only lent them a vessel to bring from Biloxi some cattle that the inhabitants had there, which was lost while entering the port of Massacre [Island].

Questioned whether he did not send some goods belonging to him in these vessels to the ports of Mexico, of what they consisted and what return he got from them, (p. 272) he said "No."

Questioned whether he has no knowledge that goods belonging to the late Mr. D'Iberville and to his brothers, Messrs. De Bienville and De Chateaugué, or to other officers were shipped, he said "No."

Questioned whether it is not true that he bought and saw sold meat that the Indians brought in exchange for the presents that the King gives them, he said that it was never customary.²³

Questioned whether it is not true that he, the deponent, bought goods from Sieurs de Bienville and de Chateaugué, what goods and at what price he said "Yes," that he bought a cask of wine for two hundred livres from Mr. De Bienville from his own store and a piece of Rouen linen at fifty-four sous an ell about fifty ells [long].

Questioned whether it is not true that Sieur de Bienville has always had a warehouse under another name than his and that he, the deponent bought goods, of what sort and at what price he resold them, (p. 273) he said "No."

Questioned whether it is not true that Sieur de Bienville sent Canadians and men maintained in the King's service to travel through the woods and to look for peltries, he said that he has knowledge that men were sent to carry presents to the Indians of the Mississippi on behalf of the King.

Questioned whether it is not true that these Canadians carried on trade during these journeys for the account of Sieur de Bienville and whether he, the deponent, did not buy some, he said "No," only that these people may have killed a few animals during their journeys without Sieur de Bienville ever exacting anything from them.

Questioned whether it is not true that Sieur de Bienville had an Alabama prisoner burnt wth slow fire at the gate of the fort, he said "No."

FACTS THAT SIEUR DE LA SALLE ADVANCED BY HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHAR-
TRAIN. OF THE FIRST OF OCTOBER, 1707.

Questioned whether he is pleased with the government of Sieur (p. 274) de Bienville and whether he knows nothing against his conduct or his person, he said "Yes." ^{What, pleased or}

²³The French is que jamais il ne s'est pratiqué. ^{What, pleased or} knows things agst. conduct?

Questioned whether he saw that Sieur de Bienville disposed of the King's goods that were in the warehouses and whether none at all were delivered to him, the deponent, without Sieur de La Salle having knowledge of it, at what price and what quantity, he said "No," that everything he got from the warehouse was always by order of Mr. De Bienville, seen by Sieur de La Salle or by the keeper of the warehouse in the absence of Sieur de La Salle.

Questioned whether it is not true that Sieur de Bienville sold or caused to be sold the wine that he sends for his own use, at what price, by whom and how much, he said that he never bought any of it except the cask declared above.

Questioned whether he has knowledge that the King sends wine for the sick, he said "Yes."

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and to be sold, (p. 275) he said "No," that Sieur de Bienville has always given some of his own to the sick.

Questioned whether he knows the man named Humery and what sort of man he is, he said "Yes."

Questioned whether he does not have reason to complain of this man, he said "No."

Questioned whether it is not true that the Canadians have sold at an exorbitant price goods that were delivered to them from the warehouses at a moderate price, he said that he has no knowledge of it.

Questioned whether he, the deponent, has not bought some from them, of what kind and for how much, he said only that he took a little powder from the soldiers in exchange for a bed.

Questioned whether it is not true that they have even sold them back to the King at an advance of four hundred per cent over the price at which they had been delivered to them, he said that he had no knowledge of it at all.

Questioned whether it is not true that some goods were landed from the King's vessel *Aigle* for the (p. 276) account of Mr. De Noyan and of his officers, and how much, he said that he had no knowledge of it at all.

Questioned whether he, the deponent, did not buy any at all, how much and at what price, he said "Yes," that he bought from an ensign and from the first pilot twelve *quarts*²⁴ of brandy at thirty-two *piastras* and at thirty, and some clothes for his own use, and that he does not know at all whence they came.

Questioned whether it is not true that Sieur de Bienville, the commandant, and Sieur de Chateaugué, his brother, bought some, how much and at what price, he said that he thinks that Mr. De

²⁴The quart was equivalent to approximately 20.56 gallons. Surrey gives the capacity of the quart as the equivalent of 15 gallons in 1720, *Commerce of Louisiana*, page 162. Littre's dictionary defines quart as a "small cask containing not one-fourth but about one-half of a cask of ordinary size."

Bienville bought some brandies from Mr. De Noyan without knowing the quantity nor for how much nor whence they came.

Questioned whether it is not true that they sent them by the King's vessels to be sold at Vera Cruz, he said that he knows nothing about it, but that he had heard it said that he had sold some here.

Questioned whether it is not true that on all the voyages the vessels have brought goods for the account of these two brothers, (p. 277) he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville dispatched a ship's boat after another that was carrying the letters of Mr. La Mente, the curate, to the *Aigle*, he said that he has no knowledge of it at all.

Questioned whether it is not true that the ship's boat dispatched by Sieur de Bienville having overtaken the one dispatched by Sieur de La Vente, he had the letters delivered to him, he said that he knew nothing about it.

Questioned whether he does not know the people who were in these ship's boats, he said "No."

The present interrogatory having been read to him, he said that it contained the truth, maintained it and signed with us. Thus signed: J. B. La Loire.

Collated with the original.

D'Artaguette.

(p. 279)²⁵

LOUISIANA

Interrogatory officially held by my lord the Count de Pontchartrain by us, a commissary of the Navy, sent by order of the Court to the inhabitants of this town.

OF FEBRUARY 25th, 1708.

Questioned as to his name, surname, age, quality and religion, he said, after having taken and received the oath required and customary in the case by which he promised to tell the truth, that his name is Guillaume Boutin, an inhabitant, aged thirty-one years, of the Catholic, Apostolic and Roman religion.

FACTS CONTAINED IN MY FIRST INSTRUCTIONS.
OF JUNE 30th, 1707.

Questioned whether he has no knowledge of the voyages that the King's vessels have made to the sea, he said that he knows that one of them was sent to the Mississippi to get some cattle belonging to the inhabitants and that it was lost while entering the port of Massacre [Island].

Questioned whether he did not send some goods belonging to him on these vessels to the ports of Mexico, of what they consisted and what return he got from them, he said "No." (p. 280).

²⁵Copyist's note: "Page 278 [is] blank."

Questioned whether he has no knowledge that goods belonging to the late Mr. D'Iberville and to his brothers, Messrs. De Bienville and De Chateaugué, or to other officers have been shipped, he said "No."

Questioned whether it is not true that he bought and saw sold meat that the Indians brought in exchange for the presents that the King gives them, he said "No."

Questioned whether it is not true that he, the deponent, bought goods from Sieurs de Bienville and de Chateaugué, what goods and at what price, he said "Yes," that he bought two pieces of Brittany linen containing about sixty ells at sixty-five sous an ell and that he bought other clothes for his own use.

Questioned whether it is not true that Sieur de Bienville has always had a warehouse under another name than his own, and that he, the deponent, bought goods, of what kind, at what price, what goods, and for how much they were sold, he said that he knows nothing about it and that he has not (p. 281) bought any from him except at the fort.

Questioned whether it is not true that Sieur de Bienville sent some Canadians and men maintained in the service of the King to travel through the woods and look for peltries, he said that he knows nothing about it.

Questioned whether it is not true that these Canadians carried on trade for the account of Sieur de Bienville during all these journeys and whether he, the deponent, did not buy any at all, he said that he knows nothing about it, that he only knows that these Canadians may have brought some peltries.

Questioned whether it is not true that Sieur de Bienville did not have an Alabama prisoner slowly burnt to death²⁸ at the gate of the fort, he said that he has knowledge only that three were put to death by some slaves.

FACTS THAT SIEUR DE LA SALLE ADVANCED BY HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHAR-
TRAIN. OF OCTOBER 1st, 1707.

Questioned whether he is pleased with the government of Sieur (p. 282) de Bienville and whether he knows nothing against his conduct or his person, he said "No," and that when he was at Pensacola working to earn his living and had made an agreement with the governor of that fort Sieur de Bienville had ordered him not to work there at all and to remain here. Whereupon without paying attention to that order he had gone to finish his work, although Sieur de Bienville had given him permission only to go and get his tools. "Then Sieur de Bienville sent two other men to finish the work that I had already begun. The governor of Pensacola sent me back here and when I arrived here he had me put in irons for a week at the end of which time when I had gone out he had sent men after me in order

²⁸The French of this expression is *a fait brûler à petit feu*.

to put me back in it because I had not thanked him at all for having released me from it. At these threats I had fled to my house. This constrained me to go to the fort at his orders, and at the urgent entreaty that I made him to take me out [of] this garrison he had retracted it. This damage costs me one hundred piastres."²⁷ (p. 283).

Questioned whether he saw that Sieur de Bienville disposed of the King's goods that were in the warehouses and whether some were not delivered to him, the deponent, without Sieur de La Salle having knowledge of it, at what price and what quantity, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville sold or caused to be sold the wine that he sent for for his own use, at what price, by whom and how much, he said that he sold some wine and some brandy to Poudrier and to La Loire and he does not know the quantity of it or how much.

Questioned whether he has knowledge that the King sends wine for the sick, he said "No."

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and sold, he said that he knows nothing about it.

Questioned whether he knows the man named Humery and what sort of a man he is, he said "Yes" and that he is a poor and drunken man.

Questioned whether he does not have reason to complain of this man, he said "No." (p. 284).

✓ Questioned whether it is not true that the Canadians have sold at an exorbitant price goods that were delivered to them from the warehouses at a moderate price, he said that he knows nothing about it.

Questioned whether he, the deponent, did not buy from them, what sort of goods and for how much, he said "No."

Questioned whether it is not true that they even sold them back to the King at four hundred per cent above the price at which they had been delivered to them, he said "No" and that he knows nothing about it.

Questioned whether it is not true that some goods were disembarked from the King's [vessel] *L'Aigle* for the account of Mr. De Noyan and of his officers and how much, he said "Yes" and that he was offered sixty quarts of brandy on credit; that he thinks that this brandy was French brandy from Nantes and that there were also other goods such as Brittany linen and Quintin linen.

Questioned whether he, the deponent, did not buy any at all and at what price, he said "No." (p. 285).

Questioned whether it is not true that Sieur de Bienville, the commandant, and Sieur de Chateaugué, his brother, bought

²⁷The French is *Et sur L'instante priere que Je Luy fis de me tirer cette garnison il L'auroit rappelé ce Dommage me couté cent piastres.* No quotation marks are indicated in the original.

some, how much and at what price, he said "Yes," that they bought the entire lot,²⁸ that he does not know at all whether it was for cash or on credit or for how much.

Questioned whether it is not true that they sent them by the King's vessels to be sold at Vera Cruz, he said that he is not certain of it but that he heard it said that they had sent some, without knowing how much or of what sorts.

Questioned whether it is not true that on all the voyages the vessels brought goods for the account of these two brothers, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville dispatched a ship's boat after another that was carrying the letters of Mr. La Vente, the curate, to the *Aigle*, he said that he knows nothing about it.

Questioned whether it is not true that the ship's boat dispatched by Sieur de Bienville having overtaken the one dispatched by Sieur de La Vente, he had the letters (p. 286) delivered to him, he said that he knows nothing about it.

Questioned whether he does not know at all the people who were in these ship's boats, he said "No."

The present interrogatory having been read to him, he said that his replies contained the truth and that he did not wish to add to it or to detract from it, maintained it and signed with us. Thus signed, Guillaume Boutin.

Collated with the original.

D'Artaguette. (p. 287)

LOUISIANA

Interrogatory officially held by order of my lord the Count de Pontchartrain by us Commissary of the Navy, sent by order of the Court to the Inhabitants of this town.

OF THE 26TH OF FEBRUARY, 1708.

Questioned as to his name, surname, age, quality and religion, he said, after having taken and received the oath required and customary in the case by which he promised to tell the truth, that his name is Estienne Burel, fifty-one years of age, a pastry-cook, of the Catholic, Apostolic and Roman religion.

FACTS CONTAINED IN MY FIRST INSTRUCTIONS.
OF THE 30TH OF JUNE, 1707.

Questioned whether he does not have knowledge of the voyages that the King's vessels made to the sea, he said "No."

Questioned whether he did not send goods belonging to him on these vessels to the ports of Mexico, of what they consisted and what return he got from them, he said "No."

²⁸The French expression is *qu'ils ont acheté Le tout.*

Questioned whether he does not have knowledge that goods belonging to the late Mr. D'Iberville (p. 288) and to his brothers Messrs. De Bienville and De Chateaugué or to other officers, he said "No."

Questioned whether it is not true that he bought and saw sold meat that the Indians brought in exchange for the presents that the King gives them, he said that he got some when in need, without money.

Questioned whether it is not true that he, the deponent, bought goods from Sieurs de Bienville and de Chateaugué, what goods and at what price, he said that he bought two quarts of brandy from Sieur de Chateaugué, coming from Nièvre and three from Sieur de Bienville.

Questioned whether it is not true that Sieur de Bienville has always kept a warehouse under another name than his own and that he, the deponent, bought goods, of what sort, at what price he resold them, he said that he has no knowledge of it.

Questioned whether it is not true that Sieur de Bienville sent Canadians and men maintained in the King's service to travel through the woods and to look for peltries, (p. 289) he said that he has never heard it mentioned.

Questioned whether it is not true that these Canadians carried on trade for the account of Sieur de Bienville and whether he, the deponent, did not buy some, he said "No."

Questioned whether it is not true that Sieur de Bienville caused an Alabama prisoner to be burnt with slow fire at the gate of the fort, he said "No," and that the one who it is alleged was burnt is alive, that there were two of them who had their heads broken [tomahawked] by slaves.

FACTS THAT SIEUR DE LA SALLE ADVANCED BY HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHAR-
TRAIN. OF THE FIRST OF OCTOBER, 1707.

Questioned whether he is pleased with the government of Sieur de Bienville and whether he knows nothing against his conduct or his person, he said "Yes" and that he prays the Lord that he may have no other.²⁹ (p. 290).

Questioned whether he did not see that Sieur de Bienville has disposed of the King's goods that were in the warehouses and whether some were not delivered to him, the deponent, without Sieur de La Salle having had knowledge of it, for how much and what quantity, he said "No."

Questioned whether it is not true that Sieur de Bienville sold or caused to be sold the wine that he sends for his own use, at what price, by whom and how much, he said that he had never bought any of it.

Questioned whether he has knowledge that the King sends wine for the sick, he said "No."

²⁹The French is *et qu'il prie Le Seigneur de n'en avoir point d'autre.*

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and sold, he said "No," but that very far from drinking it and selling it, he gave him some several times from his own supply.

Questioned whether he knows the man named Humery and what sort of a man he is, he said "Yes," that he long performed the functions (p. 291) of a warehouse-keeper.

Questioned whether he has no reason to complain of this man, he said "No."

✓ Questioned whether it is not true that the Canadians sold at an exorbitant price goods that were delivered to them from the warehouses at a moderate price, he said that he has no knowledge of it.

Questioned whether he, the deponent, did not buy some from them, of what sort and for how much, he said "No."

Questioned whether it is not true that they have even sold them back to the King at a price four hundred per cent above the price at which they had been delivered to them, he said that he had no knowledge of it at all.

Questioned whether it is not true that goods have been unloaded from the King's vessel *L'Aigle* for the account of Mr. De Noyan and of his officers and how much, he said that he knows nothing about it.

Questioned whether he, the deponent, did not buy some, how much and at what price, he said that he bought from Mr. De Noyan twenty-one pieces (p. 292) of Brittany linen, four *piastres* each, and some thread at twelve livres a pound, eight to nine livres, and four *quarts* of brandy at forty *piastres* a quart; this brandy comes from Nièvre.

Questioned whether it is not true that Sieur de Bienville, the commandant, and Sieur de Chateaugué, his brother, bought some, how much and at what price, he said that he knows nothing about it.

Questioned whether it is not true that they sent them by the King's vessels to be sold at Vera Cruz, he said that he knows nothing about it.

Questioned whether it is not true that on all the voyages the vessels have brought goods for the account of these two brothers, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville dispatched a ship's boat after another that was carrying the letters of Mr. La Vente, a curate, to the *Aigle*, he said that that was the first time he had heard it mentioned.

Questioned whether it is not true that when the ship's boat despatched by Sieur de Bienville had overtaken (p. 293) the one despatched by Sieur de La Vente he had the letters delivered to him, he said that he knows nothing about it.

Questioned whether he does not know at all the people who were in these ship's boats, he said that he knows nothing about it.

When the present interrogatory was read to him he said that it contained the truth, maintained it and signed with us. Thus signed, Burel.

Collated with the original.

D'Artaguette. (p. 295)^{so}

LOUISIANA

Interrogatory officially held by order of my lord the Count de Pontchartrain by us, Commissary of the Navy, sent by order of the Court to the inhabitants of this town.

OF FEBRUARY 26th, 1708.

Questioned as to his name, surname, age, quality and religion, he said, after having taken and received the oath required and customary in the case by which he promised to tell the truth, that his name is Jacques Chauvin, thirty-six years of age, inhabitant of Louisiana, of the Catholic, Apostolic and Roman religion.

FACTS CONTAINED IN MY FIRST INSTRUCTIONS OF JUNE 30th, 1707.

Questioned whether he has no knowledge of the voyages that the vessels of the King have made to the sea, he said "Yes," that the King's brigantine once went to Vera Cruz and the boat to [the] Mississippi; that he does not know anything else.

Questioned whether he has not sent goods belonging to him on these vessels (p. 296) to the ports of Mexico, of what they consisted and what return he got from them, he said "Yes," that he shipped a little box containing seven dozen pairs of stockings and fourteen pieces of Brittany [linen], two or three pounds of thread.

Questioned whether he has no knowledge that goods belonging to the late Mr. D'Iberville and to his brothers Messrs. De Bienville and De Chateaugué or to other officers were shipped, he said that he has no knowledge of it.

Questioned whether it is not true that he has bought and seen sold meat that the Indians brought in exchange for the presents that the King gives them, he said "No."

Questioned whether it is not true that he, the deponent, bought goods from Sieurs de Bienville and de Chateaugué, what goods and of what price, he said "No."

Questioned whether it is not true that Sieur de Bienville caused an Alabama prisoner to be burnt with slow fire at the gate of the fort, he said "No," that he has never been burnt.

^{so}Copyist's note: "Page 294 [is a] blank page."

FACTS THAT SIEUR DE LA SALLE ADVANCED BY HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHAR-
TRAIN. OF THE FIRST OF OCTOBER, 1707.

Questioned whether he is pleased with the government of Sieur (p. 298) de Bienville and whether he knows nothing against his conduct or his person, he said that he is very well pleased with Sieur de Bienville.

Questioned whether he saw that Sieur de Bienville disposed of the goods of the King that were in the warehouses and whether none at all were delivered to him, the deponent, without Sieur de La Salle having knowledge of it, for how much and what quantity, he said "No."

Questioned whether it is not true that Sieur de Bienville sold or caused to be sold the wine that he sends for his own use, at what price, by whom and how much, he said that he does not know anything about it, but that he only knows that Sieur de Bienville has assisted him when he was in need.

Questioned whether he has knowledge that the King sends wine for the sick, he said "No."

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and sold, he said "No."

Questioned whether he knows the man named Humery, and what sort of a man he is, he said "Yes."⁸¹ (p. 299).

Questioned whether he has no reason to complain of this man, he said "No."

Questioned whether it is not true that the Canadians have sold at an exorbitant price goods that were delivered to them from the warehouses at a moderate price, he said that he knows nothing about it.

Questioned whether he, the deponent, did not buy some from them, of what sort and for how much, he said "No."

Questioned whether it is not true that they have even sold them back to the King at a price four hundred per cent above the price⁸² [at which they] had been delivered to them, he said that he knows nothing about it.

Questioned whether it is not true that goods have been unloaded from the King's vessel *L'Aigle* for the account of Mr. De Noyan and of his officers, and how much, he said that he knows nothing about it.

Questioned whether he, the deponent, did not buy any at all, how much and at what price, he said "No."

Questioned whether it is not true that Sieur de Bienville, the commandant, and Sieur de Chateaugué, his brother, (p. 300)

⁸¹The reply seems incomplete but nothing has been omitted by the translator.

⁸²The copyist has made a cross mark after the word "price" which is his usual manner of indicating a correction of his copy or the word "sic," but he does not give any explanation in the margin.

have bought some, how much and at what price, he said that he has no knowledge of it.

Questioned whether it is not true that they have sent them by the King's vessels to be sold at Vera Cruz, he said that he knows nothing about it.

Questioned whether it is not true that on all the voyages the vessels have brought goods for the account of these two brothers, he said that he knows nothing about it.

Questioned whether it is not true that Sieur de Bienville had a ship's boat dispatched after another that was carrying the letters of Mr. De La Vente, the curate, to the *Aigle*, he said that he has no knowledge of it.

Questioned whether it is not true that the ship's boat dispatched by Sieur de Bienville having overtaken the one dispatched by Sieur de La Vente, he had the letters delivered to him, he said that he knows nothing about it.

Questioned whether he does not know the people who were in these ship's boats, he said "No."

When the present interrogatory was read to him (p. 301) he declared that it contained the truth, that he did not wish to add to it or to take from it and he declared that he did not know how to sign his name or to write [and asked that] he be questioned.³³

Collated with the original.

D'Artaguette. (p. 303)³⁴

LOUISIANA

Interrogatory officially held by order of my lord the Count de Pontchartrain by us, Commissary of the Navy, sent by order of the Court to the inhabitants of this town.

OF THE 27th OF FEBRUARY, 1708.

Questioned as to his name, surname, age, quality and religion, he said, after having taken and received the oath required and customary in the case by which he promised to tell the truth, that his name is René Boyer, aged thirty-two, a gunsmith, an inhabitant who had left the pay of the King on the first of last January, and that he was of the Catholic, Apostolic and Roman religion.

FACTS CONTAINED IN MY FIRST INSTRUCTIONS. OF THE 30th OF JUNE, 1707.

Questioned whether he has no knowledge of the voyages that the King's vessels have made to sea, he said "No."

Questioned whether he has not sent goods belonging to him on these vessels to the ports of Mexico, of what they consisted and what return he got from them, he said "No."

³³The translation is uncertain. The French is *de ce faire interpellé*.

³⁴Copyist's note: "Page 302 [is a] blank page."

Questioned whether he has no knowledge that goods have been (p. 304) shipped belonging to the late Mr. D'Iberville and to his brothers, Messrs. De Bienville and De Chateaugué or to other officers, he said "No."

Questioned whether it is not true that he has bought and seen sold meat that the Indians brought in exchange for the presents that the King makes them, he said "No," that he did not buy any at all.

Questioned whether it is not true that he, the deponent, bought goods from Sieurs de Bienville and De Chateaugué, what goods and at what price, he said "No," that he did not buy any at all.

Questioned whether it is not true that Sieur de Bienville has always had a warehouse under another name than his own and that he, the deponent, has bought goods, of what sort, at what price he resold them, he said "Yes," that he bought from Sieur de Bienville twenty or twenty-five ells of linen at fifty-five sous and two axes for three piastras.

Questioned where he bought these goods, whether it was in a house belonging to Sieur de Bienville, (p. 305) he said that he bought them in his house near his garden.

Questioned whether he saw in this house other goods, he said that there were other axes, guns, knives, pistols and all sorts of other goods.

Questioned whether it is not true that Sieur de Bienville has sent Canadians and people maintained in the King's service to travel through the woods and look for peltries, he said that he knows nothing about it.

Questioned whether it is not true that these Canadians carried on trade during all these trips for the account of Sieur de Bienville and whether he, the deponent, did not buy any at all, he said that he has no knowledge of it.

Questioned whether it is not true that Sieur de Bienville caused an Alabama prisoner to be burnt with slow fire at the gate of the fort, he said that he saw nothing of it.

FACTS THAT SIEUR DE LA SALLE ADVANCED BY HIS LETTER
WRITTEN TO MY LORD THE COUNT DE PONTCHAR-
TRAIN. OF THE FIRST OF OCTOBER, 1707.

Questioned whether he is pleased with the government (p. 306) of Sieur de Bienville and whether he knows nothing against his conduct or his person, he said "No" and that one day when he refused to put together and clean a gun that Sieur Darrac, an officer of the Canadians, had brought to him Sieur de Bienville had made him remain in irons twenty days, that he required him to drag pieces of timber to support his house which was in danger of falling, that he even refused him milk for his child in an illness from which this child died, and that he has always had him put in prison for very slight causes.

Questioned whether he was still in the pay of the King, he said "No."

Questioned whether he saw that Sieur de Bienville has disposed of goods of the King that were in the warehouses and whether some were not delivered to him, the deponent, without Sieur de La Salle having knowledge of it, at how much and what quantity, he said "No."

Questioned whether it is not true that Sieur de Bienville has sold or caused to be sold the wine that he sent for for his own use, at what price, by whom and how much, (p. 307) he said that he knows nothing about it.

Questioned whether he has knowledge that the King sends wine for the sick, he said "No."

Questioned whether it is not true that Sieur de Bienville drinks the wine of the sick and causes it to be drunk and sold, he said that he knows nothing about it.

Questioned whether he knows the man named Humery and what sort of a man he is, he said "Yes" and that he has been a warehouse-keeper.

Questioned whether he has no reason to complain of this man, he said "No."

✓ Questioned whether it is not true that the Canadians have sold at an exorbitant price goods that were delivered to them from the warehouses at a moderate price, he said "No."

Questioned whether he, the deponent, has not bought from them, what sort and for how much, he said "No."

Questioned whether it is not true that they have even (p. 308) sold them back to the King at a price four hundred percent above the price at which they had been delivered to them, he said "No."

Questioned whether it is not true that goods have been unloaded from the King's vessel *L'Aigle* for the account of Mr. De Noyan and his officers and how much, he said "Yes" and that there were more than two hundred quarts of them; [that he had] heard it said that they belonged to Mr. De Noyan, and a great deal of other dry merchandise.

Questioned whether he, the deponent, did not buy any at all, how much and at what price, he said "No."

Questioned whether it is not true that Sieur de Bienville, the commandant, and Sieur de Chateaugué, his brother, bought, some, how much and at what price, he said that he knows nothing about it.

Questioned whether it is not true that they have sent them to Vera Cruz by the King's vessels to be sold, he said that he knows nothing about it but that he heard it said [that they have done so].

Questioned whether it is not true that on all the voyages the vessels have brought goods for the account of these two brothers, (p. 309) he said "Yes," but that he does not know the quantity.

Questioned whether it is not true that Sieur de Bienville had a ship's boat dispatched after another that was taking the letters of Mr. De La Vente, the curate, to the *Aigle*, he said that he knows nothing about it.

Questioned whether it is not true that when the ship's boat dispatched by Sieur de Bienville had overtaken the one dispatched by Sieur de La Vente he had the letters delivered to him, he said that he has no knowledge of it.

Questioned whether he does not know at all the people who were in these ship's boats, he said "No."

Questioned whether he does not know Mrs. Le Sueur, a relative of Messrs. De Bienville, he said that he has known her since she has been here.

Questioned about what she is doing here, he said that she sells the goods of Sieurs de Bienville and de Chateaugué.

Questioned [about] what sorts of goods they are, he said brandy, linen, hats, shirts, shoes, and all kinds. (p. 310).

Questioned [as to] how he knows that these goods belonged to Sieurs de Bienville and de Chateaugué and what mark they had, he said that it was because he had seen them take pains to have them unloaded and had seen their mark which is a B.

Questioned whether he does not know at all where his goods are, whether they are at Mrs. Le Suer's, he said "Yes," that she keeps them in her house and in a warehouse near the water, that belongs to the late Mr. D'Iberville.

Questioned whether the late Sieur d'Iberville did not have some in this warehouse, he said "Yes" and that he bought some powder at one *piastre* a pound and some lead [at] thirty-six sous a pound, that at that time this warehouse was full, that he saw twenty barrels of powder in it and all sorts of other goods suitable for the use of persons.

Questioned whether it was the said Mrs. Le Suer who always delivered them to him, he said "No," that she has been delivering them only since little Lallemand³⁵ went back to France.

(p. 311).

Questioned whether it is not true that the late Sieur d'Iberville had other powder elsewhere also and whether he bought any elsewhere, he said that he saw some more in the house of Sieur de Bienville at the fort and that there was a great deal of

³⁵The French is *qu'elle n'en livre que Depuis Le petit Lallemand est passé en france*. Some light on this person may be thrown by the following extract from a letter of D'Artaguette to Pontchartrain, C. 13, Vol. 2, page 337; copy Vol. 2, page 179: "I am asking and questioning quietly all those who can give me information about the commerce that the late Mr. D. I'Iberville may have carried on. It is alleged that he always had a warehouse full of goods. I learned from Mr. De Bienville, Commandant of this colony, that there came on the *Pelican* commanded by Mr. Du Coudré, with his private mark, sixteen or seventeen packages for his brother which were sold at Havana by one Lallemand (*par le Nommé Lallement*). The money coming from the sale of (p. 338) these goods served to pay the garrison. It will be learned in France from this clerk what these goods may have contained in order to have the freight for them paid by [or possibly "to"] Madame D'Iberville. This clerk resides near Rochefort on an estate belonging to this lady." (Mobile, August 18th, 1708).

other goods and that the powder that was sold at the warehouse belonged to the King's powder-magazine.

Questioned whether he has nothing more to say on the subject of Sieurs d'Iberville, Bienville and Chateaugué, he said "Yes," that Sieur de Bienville once gave an Indian two pounds of powder to oblige him to say that he had sold to him a sword of the King.

Questioned whether he did not work at all while he was in the pay of the King for the private service of this family, he said "Yes," that he together with another gunsmith who was also in his Majesty's pay set up thirty guns that they sold to the Spaniards for ten to twelve *piastras* each.

Questioned whether it is not true that these guns belonged to the King, he said "No," that they belonged to the late Mr. D'Iberville. (p. 312).

Questioned whether it is not true that the King's weapons have been ruined for lack of care because they were always busy in the service of the private business of these gentlemen, he said "Yes" and that he has heard it said that more than three hundred guns had been lost and that he was directed to say to those who wished to buy them to send them to him and to assure them that they were good although they were worth nothing.

When the present interrogatory was read to him he declared that he neither wished to add to it nor to take from it and certified that it contained the truth, maintained it and signed with us. Thus signed, Boyé. Collated with the original.

D'Artaguette.



THE HISTORY OF WASHINGTON PARISH, LOUISIANA, AS COMPILED FROM THE RECORDS AND TRADITIONS¹

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EARLY COLONIAL HISTORY

IT IS a well known fact that what is now called Washington Parish is one of a group of eight parishes that formed what we commonly call, or is generally known as, the Florida Parishes. This group embraces East Baton Rouge, the two Felicianas, Livingston, St. Helena, Tangipahoa, St. Tammany, and Washington.

As this territory was part of the original "West Florida" it might be interesting to recall that by the right of discovery by the illustrious De Soto, and exploration by his followers, that which we call "West Florida" belonged to Spain from the year 1512 until the year 1699. De Soto and his men landed in what we call Tampa Bay, crossed to Pensacola, thence to Mobile, and thence to the Mississippi River. But it was the distinguished Pierre Le Moyne d'Iberville, a Canadian by birth, assisted by his brothers, Jean-Baptiste Le Moyne de Bienville and Francois-Marie Le Moyne de Sauvole,² who formed the first settlements and more carefully explored the western portion of Florida. Not being allowed to land in the Spanish settlement of Pensacola, they entered Mobile Bay, located and named Massacre, Chandeleur, Cat and Ship Islands, reached the Bay of Biloxi where they established a fort. After exploring the Mississippi River and noting the sites now occupied by New Orleans and Baton Rouge d'Iberville entered the Ascantia river, called later the Iberville, crossed "level ground, fine trees, no wild cane" and found the two lakes he named Maurepas and Pontchartrain, and left Sauvole in command. Thus in 1699, by right of settlement, the Florida Parishes

¹An address before the Louisiana Historical Society at the Cabildo in New Orleans, May 29, 1929.

²The learned author has the authority of Charles Gayarre for this statement but it is now too well settled to be disputed that Sauvole was not a Le Moyne and that he was not a brother of Iberville and Bienville.

See Miss King's biography of Bienville, p. 78, and André Lafargue's Genealogy of the Le Moyne family, *La. Hist. Qy.*, 8, p. 252, April, 1925.—Ed. *La. Hist. Qy.*

came under the French flag, and remained in the control of France until November, 1763, when the province of West Florida was ceded by treaty to Great Britain, which appointed Capt. George Johnston as Governor. But the British flag was taken down and the Spanish again flown from the year 1782 until 1810, by conquest of the Spaniards.

Knowing of a migration of 1,582 Kentucky families, Governor Miro issued the order of 1782 conceding lands to those families who would settle in the Natchez and Feliciana Districts. By the census of 1785 the population of the entire Feliciana District (of which we were then a part) was only 550 souls. Three years later, the census shows 730 inhabitants, of whom about half were slaves, perhaps a little more than half. In 1789, the vessel *Conception* out of Philadelphia brought 173 immigrants, 133 of them settling in the Feliciana section. This section was divided a bit later into the Feliciana and the St. Helena Districts, though still later into six parishes. The portion called St. Tammany was much less thickly populated than the other sections, and it was several years later in acquiring permanent settlers. This was due to the fact that the Choctaws were more fierce, and ran off all pioneers and whites who endeavored to establish themselves in this territory. Land grants were given by the French and by the Spanish, particularly by the latter between the years 1782 and 1810, but the claimants vacated the lands before the titles were made good. Most of the original settlers of what is now Washington Parish came from South and North Carolina, others from families having migrated from the State of Virginia to Kentucky and Tennessee.

Governor Folch at Pensacola exercised jurisdiction over West Florida beginning in the year 1803, and over our lands until 1810. De Grand Pre acted as military commandant over the Feliciana Territory with his headquarters at Baton Rouge from 1803 till 1807, when he was replaced by de Lassus. In 1803 Louisiana and the Isle d'Orleans were transferred from French control to the United States. The people of Feliciana were disappointed at remaining under the Spanish domination after this cession. Being of English descent, and of families originally from the old 13 States, they were extremely anxious for annexation to the kindred race from which they had been severed. They were incensed at the omission on the part of the United States Commissioners to claim them as an integral part of the recent acquisition, and at their abstaining to enforce that claim by physical

means if necessary. In 1805 an attempt was made to throw off the Spanish yoke. About two hundred men assembled from the various parts of the district, raised the standard of revolt against Spain and resolved to attack the fort at Baton Rouge. Some disagreement arose among the leaders, who had to give up the enterprise and take refuge across the Mississippi territory line. The others, relying upon their obscurity or insignificance for protection, retired peacefully to their homes. This expedition was headed by Kemper and there was no bloodshed.

REVOLT AND INDEPENDENCE

On July 17th, 1810, a convention was called at Buhler's Plains, with elected delegates from each of the six parishes in the county of Feliciana, to change the form of government. John Mills presided, and Dr. Steele acted Secretary. They drew up resolutions for a provisional government, confirming de Lassus as the Spanish military commander and naming him as "First Judge." Naming the associate judges as Shepard Brown, Robert Percy, Fulwer Skipwith; with Joseph Johnson as High Sheriff, and other sheriffs at Bayou Sara, Baton Rouge, and Daniel Raynor at St. Helena; and with Philemon Thomas as ranking General of the militia. De Lassus signified his approval, but Thomas intercepted his letter to Gov. Folch which proved the duplicity of de Lassus. Upon this, Gen. Thomas led a revolt which showed de Lassus to be a coward, as he hid during the ensuing battle in which young Lt. Louis de Grand Pre was killed. This battle followed the secret council called on September 24th. In the council in Baton Rouge on August 22nd, John Rhea presided and other reforms were recommended to de Lassus. But the secret council declared the independence of the new American State of West Florida. So from September 23rd until December 6th, 1810, we were free and independent and our flag was blue with a silver star in the center, as adopted at this council. For the siege of Baton Rouge, General Thomas had the assistance of James Nelson, Major Johnson with his cavalry, Colonel Bollinger with 44 grenadiers assembled at Springfield (among whom were many citizens of Washington Parish who took part in this scrimmage), Captain Griffith and his 21 members of the Bayou Sara cavalry as well as five or six other patriots. They captured the Spanish military defense at Baton Rouge, killed Lt. de Grand Pre, and one private, wounding Lieutenant J. B. Metzinger and four

privates, took twenty prisoners including de Lassus, and secured magazines, stores and the like, all of which James Nelson reported to John Rhea, President of the State of West Florida.

ANNEXATION BY THE UNITED STATES

Through Governor Holmes of Mississippi, President Rhea sent a copy of our Declaration of Independence on October 10th to President Madison of the United States, and requested immediate admission into the Union as an independent State, or as a Territory, or annexation to the Orleans Territory, with full possession of public lands and the loan of one hundred thousand dollars. An immediate answer was requested because of the weak condition of the people, a situation which might force them to offer themselves to a foreign government for support. President Madison ignored the independent state's request as that of revolutionists, and took the position that this property already belonged to the United States as part of the Louisiana Purchase of 1803. Through Governor Holmes of Mississippi and Governor Claiborne of Louisiana, he declared the territory from the Mississippi River to the River Perdido part of this purchase, and ordered Governor Claiborne to carry out this proclamation of United States ownership, establish courts, organize militia, and take all necessary steps of taking possession, using force if opposition was made. In the meantime, on November 29th, Fulwer Skipwith had been chosen President of West Florida. So, being ignored as an independent State, and Governor Claiborne scattering broadcast throughout the territory, copies of the President's proclamation without consulting Skipwith or otherwise recognizing us, Skipwith and Colonel Philemon Thomas tried to resist Claiborne's advance, at St. Francisville. But Claiborne raised the flag of the United States here, and again at Baton Rouge on December 6th. In Baton Rouge, the American flag was taken down, and the lone star of the independent state raised, then the flag of West Florida was quietly taken down, and the Stars and Stripes again put up when the gunboats arrived. All done without loss of life or the shedding of any blood. Thus the five West Florida districts—Baton Rouge, New Feliciana, St. Helena, St. Ferdiana, and "Tanchipaho"—became part of the United States.

While the foregoing is a part of the general history of the Florida Parishes, it concerns Washington Parish and its settlement as well, thus the reason of this inclusion in our present study.

DIVISION OF WEST FLORIDA

Following the annexation by the United States of the former Spanish Colonial Province, known as West Florida, Governor W. C. C. Claiborne, of Louisiana Territory, issued this proclamation on date of December 17th, 1810:

"I do hereby order and ordain that so much of the Territory of Orleans as lies south of the Mississippi Territory and East of the River Mississippi, and extending to the River Perdido, shall constitute one county to be known and called by the name of Feliciana."

Four months later, by an act of the Legislative Council and House of Representatives of the Territory of Orleans, on April 24th, 1811³ the county was divided into six parishes—the fourth being designated as the Parish of St. Tammany—"as lying east of the Tanchipahoa to Pearl River, and south of the Mississippi Territory," thereby giving the exact location to a portion of territory equaling eight times in extent that of the Parish of Orleans.

By Act of Congress, approved April 8, 1812, Louisiana was admitted into the Union⁴; and on the 14th of April following,⁵

³Act of 1811, Chapter XXVII, p. 120. "That the County of Feliciana shall be divided into six Parishes, the first shall be called the Parish of Feliciana, lying between the lower line of the Mississippi Territory to the Mouth of Thomson's Creek, and a line running thence due East to the River Amite, and its Western boundaries shall be the Mississippi.

"That the second shall be called the Parish of East Baton-Rouge lying between the Parish of Feliciana and the Yerville and between the Mississippi and the Amite.

"That the third shall be called the Parish of St. Helena which comprehends that tract of country lying below the line of the Mississippi Territory, and between the Amite and the River Tanchipao.

"That the fourth shall be called the Parish of St.-Tammany lying East of the Tanchipao to Pearl-River and South of the Mississippi Territory.

"That the fifth shall be called the Parish of Biloxi, lying South of the Mississippi Territory and extending from Pearl-River to the river falling into the bay of Biloxi.

"That the sixth shall be called the Parish of Pascagoula, lying South of the Mississippi Territory and extending East from the River falling into the bay of Biloxi, including all the remainder of the County of Feliciana."—Ed. *La. Hist. Qy.*

⁴By Act of October 31, 1803, C. 1, 2 Stat. 245, Congress authorized the President to take possession of the territories ceded by France under the treaty of April 30, 1803. Act of March 26, 1804, C. 38, 2 Stat. 283, provided a temporary government for a portion of the ceded territories under the name of the Territory of Orleans. Act of February 20, 1811, C. 21, 2 Stat. 641, carved out of the Territory of Orleans that part which, with the subsequent addition of the Florida Parishes, forms the present State of Louisiana, and authorized the formation of a Constitution and State Government preparatory to admission into the Union. Accordingly on January 22, 1812, the Convention, assembled in New Orleans, and adopted a Constitution. By Act of April 8, 1812, C. 50, 2 Stat. 701, Congress approved this Constitution and admitted Louisiana into the Union, which Act by its sixth section became in force from and after April 30, 1812.—Ed. *La. Hist. Qy.*

⁵C. 57, 2 Stat. 708. The necessary resolution of the Louisiana Legislature consenting to the proposed addition to the territorial limits of Louisiana was adopted August 4, 1812. Chapter 1, page 5.—Ed. *La. Hist. Qy.*

West Florida was made a part of Louisiana, and has ever since been called the "Florida Parishes" of Louisiana. The Act to enlarge the State of Louisiana includes:

"All that tract . . . beginning at the junction of the Iberville with the River Mississippi; thence along the middle of the River Iberville, the River Amite, and of the Lakes Maurepas and Pontchartrain, to the Eastern mouth of the Pearl river, thence up the eastern branch of the Pearl river to the thirty-first degree of north latitude; thence along said degree of latitude to the River Mississippi; and thence down said river to the place of beginning."

As evidence of the difficulties encountered in the development of our parish, we find the Louisiana Legislature endeavoring to take steps to make their laws felt as they said in August the 14th, 1812, that "civil authority has become weak and lax in West Florida, particularly in the Parish of St. Tammany, in which the influence of the laws is scarcely felt." Again in March, 1813, they said "several parishes, among others St. Tammany, St. Helena, are exposed to numerous bands of Choctaw Indian depredations, and apprehensions of their inhabitants have become so great that several farms have been abandoned, and the settlers fled to the interior for safety." This tends to prove that actual settlers in what is now Washington Parish were few in the year 1813, and that life was very hard and even dangerous for those few.

WASHINGTON PARISH IS TAKEN OUT OF ST. TAMMANY

On March 6th, 1819,^a the State Legislature enacted:

"That the Parish of St. Tammany shall be divided by a line running east and west, beginning at David Robertson's on the Tanchipaho, thence a direct line to Daniel Edwards on the Tchifoncta, thence a direct line to the Strawberry Bluffs on the Bogue Chitto, and from thence a direct line on east until it strikes Pearl River."

All of this was ordered to be done by the Parish Surveyor and at the expense of the Parish of St. Tammany. The projected parish at that time was given no official name. Such survey as had been ordered was made.

^aActs of 1819, page 80.—Ed. *La. Hist. Qy.*

The following year, on March 1st, 1820,⁷ a temporary seat of justice for both district and parish courts was established at the place "heretofore used as a courthouse on the Bogue Chitto River" near the residence of Colonel Thomas C. Warner. The building was in fact nothing more nor less than a commodious barn. Col. Warner was the first parish judge of St. Tammany Parish. On February 10th, 1821,⁸ a bill was passed declaring that the place "called and known as *Franklin*" should become the permanent seat of justice. It appears, however, that during the next succeeding five years, the line of civil and political demarcation between the proposed new parish and its parent neighbor, at times grew difficult to determine; that conditions of government were often close to chaotic. In the year 1826,⁹ we find that on the anniversary of Washington's birthday, the legislature declared:

"That, whereas, doubts have arisen with the Parishes of St. Tammany and Washington as to the domicile of Richard S. Chappel, that henceforth the North and East boundary of the inclosed lands of Richard S. Chappel, lying on Strawberry Bluff, shall be the designated line between the Parishes of St. Tammany and Washington. That all of the 'Country lying East and North of said line shall be called and known by the name of Washington Parish.'"

By the same act of the legislature it was made the duty of the judge of Washington Parish (thereafter to be appointed) to call for an election to fix the parish seat, the date being set for the Fourth of July following. The Governor was also authorized to appoint a sheriff, and all such other officers essential to the operation of a parish government. The clerk of St. Tammany was ordered to transfer all process and judicial proceedings in his offices, "which from the *residence of the defendants*, and the situation of the parties, appertained of right to Washington Parish." It was further made the duty of the judge and police jury, in due time to call an election for the purpose of building a courthouse and jail. The parish was annexed to the then Third Judicial District, and awarded one representative in the House, the two former members from St. Tammany Parish being reserved their seats during the next session of the Legislature.

⁷Acts of 1820, p. 28.—Ed. *La. Hist. Qy.*

⁸Acts of 1821, p. 38.—Ed. *La. Hist. Qy.*

⁹Acts of 1826, p. 38.—Ed. *La. Hist. Qy.*

Naturally the parish adhered to the same senatorial district as that of St. Tammany. As a result of the Fourth of July, 1826, election, the town of Franklin, now called Franklinton, was selected as the parish seat, and the site was the thirty acre donation of Mr. John W. Bickham to the new parish in the year 1819.

Immediately after the creation of the Parish of Washington, and before the permanent seat of justice had been established, in the year 1819, one of the pioneer citizens, Mr. John W. Bickham, donated to the parish 30 acres of land and authorized the police jury to have it surveyed and sub-divided into lots and squares. These lots and squares to be sold at public auction by the police jury for the benefit of the parish, reserving in said act of donation, to the perpetual use of the parish, the central acre in the thirty-acre plot, upon which was to be erected a courthouse and jail. The "barn" belonging to Colonel Warner, and which was then being used as a courthouse, stood on the old road near what is now the Enon Community, a little distance from the present location of the town of Franklinton. It is generally thought by the oldest living citizens of this community, and according to the traditions handed down by their fathers, that this barn was occupied until a small brick courthouse could be erected upon the "Central Acre" of Mr. Bickham's donation. This brick building was two-story with the county offices on the first floor, and the courtroom on the second floor. It would be well worthwhile to incorporate in this paper, the act of donation with its quaint verbiage and ancient style of spelling, but unfortunately on March 17th, 1897, the courthouse which stood on this acre was destroyed by fire and all these ancient documents were lost. After this fire, a wooden courthouse, with large galleries, was hastily constructed, but was later moved off the square and the present brick building erected on July 4th, 1906, and it is in this building that the writer has presided over the courts of Washington Parish for nearly fifteen years as the district judge.

So much as to the early legal organization of Washington Parish, which at that time embraced all the territory lying between the dividing line of Washington and St. Tammany on the south to the Mississippi line on the north, the Tangipahoa on the west, and Pearl river on the east. Later, when the Parish of Tangipahoa was formed, the territory formerly belonging to Washington Parish and lying between the Tchefuncte and Tangipahoa Rivers, made a part of the new parish of Tangipahoa, thus changing boundaries to the present territorial limits of the

parish. By an Act of the Legislature of 1912,¹⁰ the boundary line between the two Parishes of Washington and St. Tammany was restored to the original location as fixed by the Act of 1819.¹¹

THE EARLY SETTLERS OF WASHINGTON PARISH

As to the actual settlers who brought about this condition, it might be well to state that none of a permanent nature appeared earlier than about 1808. The settlements were founded mostly on headrights granted by the Spanish colonial power, issued in the first years of the century shortly prior to the Louisiana Transfer. From a careful examination of the survey made in 1848 and completed in the year 1849, under the heading of "Greensburg District" headrights, it is interesting to note that no land grants were made in the "bald piney woods," as the natives term those sections where we find no creeks, branches, or rivers. Instead all settlers built their little log homes, and a bit later and oh, so proudly their first "box" or frame houses, along the banks or in the little valleys and swamps of the creeks and rivers. Of the old families locating in that manner Abner, Thomas and Benjamin Bickham were among the first, coming in 1807. William Brumfield came in 1809; Ezekiel Brumfield in 1810; Amos, Benjamin and Thomas Richardson located in 1809 and 1810; David and John Mizell (then spelled Meazels) in 1812; John Simmons in 1812; William Hays and William McGeehee in 1809 and Jonathan McGeehee in 1812. Other early comers, whose descendants still live in this section or in our neighboring parishes, were: Joseph and Shared Adams, who were the founders of Adamstown on Pearl River; George and John Mitchell; the Fords, who were among the very first to come; Stephen Stafford; Benjamin Toney; John Thigpen, who settled the community that is now Spring Hill and through whose headright ran Pushpetappy Creek which was crossed by the famous Jackson's Military Road spoken of later herein; George Ellis just across the Bogue Chitto River from the present site of Franklinton; John Bickham on the immediate site of the town; Colonel Thomas C. Warner between Franklinton and what is now the Enon Community; Edwin Fussell adjoining that of Abner Bickham near the present community of Mt. Herman on the road to the parish seat; Jim Thomas and Fanny Richardson near what is now Sheridan on Bogue Luse Creek; David Gorman and Samuel York who founded the com-

¹⁰Act 124 of 1912, p. 146.—Ed. *La. Hist. Qy.*

¹¹March 6, 1819, Acts, p. 80.—Ed. *La. Hist. Qy.*

munity of Gorman; the Lawrence's from whom Lawrence's Creek just south of Franklinton received its name; Jacob Alford and John K. Goff who settled what is now Alfordtown; John and Isaac Irwin (now spelled Erwin); Richard Graves; Delcy Byrd on Gorman Creek; James and William Hayes who gave the name to Hayes' Creek; James Ginn on the site of the present town of Clifton; Burwell Percy and John Edwards near the present site of Rio on the St. Tammany side; and Richard S. Chappel whose place was on the Bogue Chitto where the famous Military Road crossed, also the branch of Tally's Creek southwest of Bogalusa crossed by this road; Richard Burch, coming from Germany in 1811.

It is a fair assumption to conclude that pioneer life was drawn largely from early Colonial American stock, who after the Revolutionary War pushed beyond the boundaries of the thirteen original States, as far as the Mississippi. Embarking at the trading posts established on the river below Saint Louis, it was easy enough to navigate southward on the mighty current in poling barges and flats, to points like Natchez and Baton Rouge. To return by the same method before the days of Robert Fulton was not so easy. Nor could it seem to appear to have been desirable on the part of those early blazers for a new civilization to consider any permanent stand until the end of the trail had been reached, and occupation by them was demanded. The genial seasons of the Florida sub-tropics, abounding in every kind of natural food, the countless wealth of the great primordial pine forests of the region, the pacific traits of the Choctaw Indians, who were native heir to it all, bid much to arrest the trend of pioneering in those old family heads and to establish the landmarks by which we know Washington Parish of today. This is the world-famed Ozone Belt, said by prominent authorities to be the most healthful section of the United States, owing to the delightful ozone-laden atmosphere that comes from the giant pines. The pioneers of this country experienced great difficulties and hardships in their immigration to the country on account of hostile Indians who inhabited the sections through which the pioneers must travel, and among whom they must build their homes.

Among other prominent families in the history of Washington Parish is that of the Magees (formerly spelled McGehee). The name "Magee" has figured extensively in the development of the parish, and the family is today one of the largest in all this section. But few families have no Magee blood in them.

These are descendants of the Magees already mentioned, and of Hezekiah Magee who settled in 1808, having been born and raised on Magee's Creek of Pike County, Mississippi, and whose wife, Dicey Magee, was of that vicinity also. Their thirteen children married and lived in this neighborhood, and preserved the traditions of the Magee family, so that they remained among the most prominent as well as wealthiest families in the parish. The Bankston family were also original settlers, and John Morris settled on the site now occupied by his great-grandchildren and just on the edge of the corporate limits of the town of Franklinton. The daughter of John Morris, Bernette, married a Pierce, also of a prominent and large family. Bernette was born in 1820 and lived her entire life in the same house, there dying in February 1918. The son of Richard Burch, John, settled upon the head-right granted him in 1812. It was John who built the first grist mill in the parish on Silver Creek; and John who moved to Franklinton in 1820, where he built the first storehouse and box dwelling. It was John's son, John Junior, who attended the first and second schools founded in the parish.

ANDREW JACKSON BLAZES THE TRAIL OF THE MILITARY ROAD THROUGH WASHINGTON PARISH IN WAR OF 1812

In the War of 1812, General Jackson led his army along the famous "Military Road" leading from Tennessee, via Columbia, Mississippi, crossing the River Pearl, through Washington Parish, and on through St. Tammany and the site of Covington. Jackson found many creeks and rivers to block his passage, but he built bridges, or forded the shallower ones. In building these bridges, he laid the whole logs crosswise in order to make the bridges stronger, for his army and wagon-trains to cross in safety. The logs in the bridge he built over Bogue Loosa Creek at Ben's Ford, which he himself named, are there today in a state of excellent preservation. This Ford is near the present site of the "Magic City." The army blazed its trail as it went, and this trail formed the "Road Militaire" which is used today, though not extensively. It was at Ben's Ford, and other points in the Pearl River valley, that the men of Washington Parish joined his forces, among them being three of the Bickhams, Hezekiah Magee, and many others. One of the direct descendants of John Bickham, today has the sword he used in the Battle of New Orleans. This Military Road crossed in our parish, not only the

Creek Bogue Loosa, but the Creeks Pushpetappy, Mustergrand, Adams, Mitchell and Tally's. In February, 1822, an act was passed to keep in repair "the Great National Road leading from Nashville, Tennessee, to Madisonville in St. Tammany Parish, and *All hands* living within five miles on either side of the road were required to give *work and labor* on said road twelve days a year." Later by a special act of March 18th, 1823, persons living within one mile of the Pearl River Market Road (which had become the port of entry to the parish) were exempted from service on the National Road.

The original Choctaw Trail was made a road, later being made a parish road, then straightened and became the Hackley Road, and has now been graded and graveled. This began near Mr. Hinds' Schilling's place running toward Franklinton. A Choctaw school was conducted along this roadside prior to and after the year 1893. Another historical road, and one still used, is the old so-called "Five Thousand Dollar" Road. Steve Albritton was the parish representative in 1853, and he secured this amount as an appropriation for a road through Washington Parish leading from Poplarville, the Washington Parish beginning being at Latan's Bluff, to Tangipahoa Station, which had a road going on to Greensburg, then a populous town. Just off this road was, and is, the famous Cave, on the Elzey Dees head-right, near the present Fricke homestead. A most unique as well as beautiful and historic place. Motorcades to this cave are pleasant and popular occasions.

In 1815, the Battle of New Orleans had been fought, and the war that opened a military trail for the Tennessee and Kentucky frontiersman to Jackson's defense, was followed up during the next seven years by hundreds of others seeking fortune in the Far South, so close to the Little Paris of America. Many must have been doomed to disappointment, for in 1822 the Legislature of the State appropriated Four Thousand Dollars for the account of the Police Jury of the parish to be used for the relief of the sick and distressed strangers, and for their care at the Charity Hospital in New Orleans. Similar appropriations had been made the year previous for the benefit of the parishes of Baton Rouge and St. Tammany.

FIRST FERRIES AND TOLL BRIDGES

The problem of crossing the Bogue Chitto between Washington and St. Tammany, after the establishment of the Great National Road, was solved first by the ferry method based on a franchise granted exclusively to Richard S. Chappel, January 13th, 1821. The landing was at Strawberry Bluffs, previously referred to, and which is just below the fork of Bogue Chitto and Pearl Rivers, near the present community of Isabel. The State retained as a consideration for its bounty the free transportation of all jurors and voters going to or returning from their respective duties, as well as the transportation of militia-men during service in either parish, together with the arms and military stores of the State. Jacksonville Springs near by, is on the road of the original settler, Brasfield, and on Brasfield Creek. Later a ferry was built and operated on the Bogue Chitto River near the settlement of Mt. Herman on the Abner Bickham place, which is today the location of the old Magee cemetery on Marcus Magee's place. This ferry was in the later 1820's.

The first toll bridge seems to have been established by a franchise to George Smith on March 25th, 1844. From which time on, toll bridges seemed to supplant the ferry system between the parishes.

The first railroad plan projected towards Washington Parish, seems to have been directed from Mandeville under a charter establishing in 1837 what was known as the Mandeville and Pool's Bluff Railroad Company. The scheme was never carried out. It may be interesting to know that Pool's Bluff is now a southern suburban part of Bogalusa.

CHURCHES AND RELIGION

Under the head of churches, the two principal denominations in this section are the Baptist and the Methodist faiths. While we know that the pioneer settlers had their little religious meetings after the first few actual months of residence, still the first recorded organization of a church is also the first recorded organization of any Protestant Church within the boundaries of the entire State of Louisiana. Of this fact, Washington Parish is most proud. This was a little Baptist Church, and its building erected sometime prior to 1812 on the banks of the Bogue Chitto River. The first date of its organization, or the date of the building of its little log temple, is unknown, but Bethel Church was ad-

mitted into membership in the old Mississippi Baptist Association on October 12th, 1812. The Centennial of this church was celebrated by the Washington Parish Baptist Association in 1912, which meeting was called to order with a gavel made from an oak standing more than the known hundred years on this spot. At this time, the old pipe-clay floor was the only remaining relic, and lies as a monument to the religious faith of our fathers. This church was originally Half-Moon Bluff. It will be remembered that the religion of the country until its acquisition by the United States, was Roman Catholic and no other was tolerated. Reason tells us that this intolerant attitude is responsible for no organized churches of the Protestants until Uncle Sam had had a little time to "Americanize" the State. In 1810 there were just two Methodist circuits in the entire State, no Presbyterian minister at all outside of New Orleans, and no Baptist preacher, except those who visited at rare intervals from the State of Mississippi. It was from Mississippi that the first Baptists came, and the first Protestant preacher within the bounds of the State of Louisiana was the Baptist preacher Bailey E. Chaney who came first in 1799, was arrested and released. But no church was organized. But Ezra Courtney was preaching in the Florida Parishes as early as 1804, and until 1855. He preached at every community or settlement within this section. He became the first resident pastor, moving from Amite County, Mississippi, to East Feliciana in 1814. In 1811, October 19, a petition was presented to the Mississippi State Association convened at New Hope, Adams County, by a number of brethren desiring to be organized into a church. This was granted, and a year later this church was organized on October 12th, five days later being received into the Association. Hay's Creek Church, out of this organization, was a little later organized (within the same parish) with which Ezra Courtney was associated. In 1813, the Mississippi Association admitted two other churches, one was Mt. Nebo on Tangipahoa River, and the other was Peniel. Then in 1818, the Sharon Church was also received. There were only six Baptist churches at this time in Louisiana, and four were within the then boundaries of our parish, and three within the present limits, as one is now in Tangipahoa. The fifth church was located in St. Landry Parish, at Bayou Chicot, just a month after Half Moon Bluff; the sixth being Hepzibah Church in East Feliciana in 1814. The Louisiana Association was organized October 31st, 1818, and modeled after the Mississippi Association, but the

Florida Parish Baptists remained with the Mississippi Association until 1842, in which year on November 19th, the Mississippi Association met in our parish at Beulah Church, and here was organized the East Louisiana Association, with twenty-two Florida Parish churches. The first church in the parish to be incorporated was the Beulah Church, which was incorporated by act of the Legislature in 1838, naming William Simmons, Robert F. Sibley, Isaac H. Wright, Prosper Hayes, Leslie Bankston, Peter Bankston, Jeremiah Thompson, William L. Sibley, B. R. Banks-ton, Thomas Mapes, Isom F. Sibley, Evan James, J. V. B. Collins, and A. R. Hudson, this by Act 106. The first Baptist Church of Franklinton was located on Mile Branch, just north of the present site of the town, and a little to the right of the present State Highway. The date of this organization is not known, but it is an established fact, that a little time after the Civil war, services were held here in this little log cabin, this church being occupied until the year 1890 when a larger frame building was erected on the site of the new brick building within the town limits.

Methodism had about as many members throughout the parish in the early days prior to the Mexican War and the War of the States, as the Baptists. The origin of Methodism probably flowed into the country with the first settlers, as the result of the Scott County, Kentucky, Conference of 1805. By this Conference the Methodist Church was divided into four Districts: the Third or Wilkinson Circuit was declared so as it, "Must embrace Wilkinson County, Mississippi, and extend east to the waters of the Amite and the Bogue Chitto Rivers; and as far down south into West Florida as the Protestant settlements could guarantee the safety of the preacher." No record can be found, however, of the names of the preacher who was assigned to this then distant and precarious section. In 1811 the Conference which met at Shelbyville, Kentucky, created a new Circuit, partly in Mississippi, and partly in Louisiana. This District was called Amite. Hezekiah Shaw was assigned to this District, which of course included the original Parish of St. Tammany at the time of the admission of this State into the Union. And this was one of the two existing Methodist Circuits in Louisiana at that time.

Catholicism as represented by its single foundation in the modern city of Bogalusa, was in the nature of things for over a hundred years, an unknown quantity in the parish. This is also true of the Hebrew faith, as the only Synagogue in the parish was

erected only a short time ago in the City of Bogalusa. It is even curious to note that where certain traditional French names, such as Everiste, Sylvestre, and so forth, obtained currency, they were easily and quickly converted by the first Americanization of this section to Averice, Sylvest, etc. This latter orthography is still preserved among some of the original families of Washington Parish. Most of the churches in the early part of the century became union churches. In other words, other faiths held their services, other preachers than Baptists would preside in the few buildings erected. Still, it must be remembered that Methodism was the only other faith for these many years. Too, the slaves were given a special place to hear the sermons as preached. No negro church of any faith was erected within our parish until quite some time after the Civil War. Another of the very, very early union churches, was the one located at Bonner Creek and used until the late eighties. The first Methodist church was the one located at Franklinton, and its first building was the lower half of the Masonic Lodge, which was chartered in the year 1851. The Methodist Church met in this Lodge until the middle of the 1890's, when "Uncle" John R. Wood gave the land for its site, and the lumber which was hauled from the little mill near Tangipahoa Station, as there was no lumber mill in this parish up to that time. Mr. Bois, well-known Methodist preacher, preached here often, staying with "Aunt" Em Wood Bell, sister of the aforesaid "Uncle John." He has told stories of his first visits, one especially being of his 1854 trip, when the Wood home was his headquarters and was located near present Pine community, from which place he rode horseback into Franklinton to hold the services. He often rode horseback from Amite over here to conduct meetings, as did other Protestant ministers; and from Osyka, Covington, and Magnolia as well.

EARLY EDUCATIONAL EFFORTS

The first organized attempt towards a higher system of education in the parish was in 1838, when William Simmons, J. A. Irwin, Hezekiah Magee, James S. Bickham, Thomas C. Warner, Robert F. Sibley, and Joel Pearson obtained a charter for the Franklinton Academy. A subsidy by the State of One Thousand Dollars a year for Five Years was granted in favor of the institution, conditioned upon the free education of ten indigent orphans residing in the parish. The building for this was a little

log house just south of Mile Branch of Franklinton. The son of John R. Burch, Sr., who built the first storehouse in our little town, said son being John R., Jr., was one of the "ten indigent orphans" to attend the first sessions of this school.

In March, 1840, on the 28th, the Legislature appropriated the sum of fifteen hundred dollars additional for the erection of a "suitable and convenient building at Franklinton for the school's use." This building was erected by the son of Hezekiah Magee, and was located on the banks of the Bogue Chitto, just opposite the courthouse. The building was of frame and had green shutters, the only shutters to be seen in all the parish, or section at just that time, or for several years thereafter. This was commonly called "Prof. Dixon's Academy of Franklinton," as the principal was Prof. W. H. Dixon. He remained here many years. His salary was guaranteed by five of the original settlers, including Hezekiah Magee, Thomas C. Warner, and John Bickham. The "ten indigent orphans" boarded with "Uncle" Steve Ellis who was a Methodist preacher, and whose daughter lives here now. The brother of "Uncle Steve" was old Judge Ezekiel P. Ellis, one of our very first judges, who married the daughter of Colonel Warner. The construction of this frame building was most unique, the steadyng being six by six and the posts twelve by twelve, morticed in with pins of wood. This building was used as the school until 1890, when the Franklinton Central Institute was established upon the present school grounds, in a two-story frame building. The first graduates of the F. C. I. were in 1892. No other building was erected in Franklinton, until the high school about 1912 erected the present brick building, the frame Home Economics and Primary College, and the principal's home nearby.

Other pupils than John R. Burch, Jr., at the Franklinton Academy when it was first constructed on the Bogue Chitto River were David, the son of Hezekiah Magee; Eugene Bunch, the well-known train bandit whose grave lies beside the Franklinton Creek within the corporate limits of the town; the Peaks of Livingston Parish; Elbert Magee of Amite County, Mississippi, then; Louiza Bankston of Mt. Herman, and others. The Bells and the Peaks of Livingston and St. Helena Parishes, and the coming of boys from Amite County and other distant places, proves that no other schools were located in these first five or six years in any of these parishes—Tangipahoa, Livingston, St. Helena, or Amite or Pike Counties. David Magee's older brother Pleas,

assisted by John Lawrence, were the ones constructing the "Academy." Other than Prof. Dixon, the early teacher remembered by the oldest citizens, was David Gilchrist.

The next school of formal organization, of which we have any record is in 1852, when, assisted by the Peabody Fund, the Bickhams and Magees serving as organizers, and Michael O'Rourke as principal, a school was built, a "box-house" by Pleas Magee at Half-Moon Bluff, which is quite near the present site of Clifton. John R. Burch, Jr., Isaac Roberts, William Magee, Flora Burris, and Lucinda Bonds were among the pupils here at its first sessions. We have no other records of buildings erected solely for the use of a school, but school sessions were held in the little log and "box" churches throughout the parish for periods of six weeks, later eight weeks, then even as long as three and four months during the summers. The first known of these schools was the one on the creek just back of what is now Late Bankston's place, and where the funeral of "Uncle John" Woods' father, also named John Woods, and other Confederate soldiers paying the supreme sacrifice, were conducted. Warren Andrews, a grand-uncle of the present prominent Burris family, taught this school in the early 1840's, or perhaps a little later. There were schools held at Bonner's Creek, at Enon, at Hayes' Creek, Center, Gorman, at Beulah, and at Magee's Creek, now called "Bogue Chitto," at which latter place (when N. Morris was the circuit preacher for the eastern section of West Florida, having been appointed in 1818) a church was organized just after 1818, but was in Mississippi territory until the State line was re-established, so now it is in our parish.

The destruction of the two-story frame building in Franklinton was by the terrible hurricane everyone remembers. This destroyed other school buildings within the parish, as well. In 1887 the Sunny Hill Academy was established by the Legislature, which was the second largest school in the parish from that date until just recently. A year or two after this, Enon High School was established, and it ranked third with the schools of the parish from 1890 until just recently. B. F. Jones was the Sunny Hill principal, and W. L. Thornhill at Enon, now called Zona as well. In 1897 the parish was dotted with small schools, having 56 schools and something more than twenty-four hundred pupils, of whom a bit less than a third of each named were colored. The first negro school, was on "The Franklinton Hill," where now is located the efficient Manual Training and High School, and which

has the aid of the funds for the education of the colored people called "Julius Rosenwald" and the "Smith-Hughes Fund" for the agricultural department.

In 1890 the population of the parish was 6,667, and there were, according to the census of that year, twenty-six public schools; today there is a population of about forty thousand, and there are about fifty-six schools, many of them "consolidated."

The first Masonic Lodge in the parish was the one in Franklinton chartered in 1851, and in the basement of whose building the Methodist Church met until 1890, after the first year.

FIRST NEWSPAPER

The first newspaper in the parish was a folio of sixteen by twenty-two inches, published by W. L. Stovall, and established in 1886, called *The New Era*. *The Washington Leader* was established in opposition by Mack Pittman in the 90's, then taken over by Alice Bickham Hart, and in 1911 consolidated with the *New Era* to form the present *Era-Leader*, published by Mrs. J. Val Brock. No other papers were printed in this parish until after Bogalusa became a city, and gave us *The Bogalusa Enterprise*.

FRANKLINTON THE PARISH SEAT

Franklin, the parish seat, was laid out by survey in 1821 as before stated, but was not permanently fixed as the seat of justice until after the election of 1826. The town of Franklinton before 1821 was actually near what is now the Enon community, five miles south of the present location. It is told of the court sessions in Colonel Warner's barn—which by the way were held in the roomy hay-loft of this barn while the horses and cattle were below in their stables—that Judge Warner ordered "Mr. Sheriff, you will confine Col. Connally to his table as are the remainder of the horses below," because said attorney was endeavoring noisily to conduct his case while very drunk. It was sometime after 1826, waiting upon the construction of the courthouse, before the courthouse was moved to Franklinton. The town was chartered as a municipality by the State on March 7th, 1861. There is a provision in the charter by which the mayor is constituted as an ex-officio justice of the peace with "power to suppress all riots, routes, tumults, unlawful assemblies, and affrays within the limits of the town," which throws rather an interesting sidelight into the turmoil of the year in which the town was

begun. As a municipal corporation however, the town did not regularly function until the year 1887. And as a town, we had no water system until 1910, no lights until 1912. The Parish Fair Association was organized in Franklinton in 1911. The School Parish Rally Day adopted in 1910, as were annual Town Clean-up Days.

Anent the Civil War period, the Legislature passed a piece of special slave legislation, designed to affect Washington and St. Tammany and their neighbors, St. Helena and Livingston, the object of the law being not to permit any owner to allow his slave to hire out his personal services in the parish. Such a slave, whose master permitted him to work on his own account was regarded as a runaway. About the only motive for such an act seems to lie in the fact that there may have been numerous masters at that time inclined to allow their slaves to purchase manumission by their outside industry, realizing that the day of legal emancipation was not far in the future. This tendency, however, among the slave-holders of the Florida Parishes was apparently repugnant to the majority of owners in other parts of the State.

An evidence of the light in which the Federal Government considered the backwoods character of the parish as late as 1855, we read of a joint resolution of the House and Senate (Act 230, 1855), urging upon Louisiana members in Congress to "use their best efforts to have a post office established in the second police jury ward, in the Parish of Washington, at or near the residence of Alexander Painter." The residence referred to is in the Sunny Hill Community.

FIRST RAILROAD FACILITIES

It is shown that the first railroad project was never consummated. Communication with the outside world was by the tedious method of surries, buggies, and horseback over the few roads and more numerous trails, excepting the "Hackline" from Amite to Franklinton, and not quite so old, another from Franklinton to Osyka. One drove by buggy or horseback to Covington to catch the "East Louisiana Railway" if one desired to go to New Orleans or other points. This was an all day's journey to Covington, and still another back. It took all day to go to Amite or Osyka as well. The first railroad connection with the outside world was had when the New Orleans Great Northern constructed a line from a point in St. Tammany Parish called North Slidell.

The main line of this railroad parallels the Pearl River and extends as far as Jackson, Mississippi. One branch leaves the main line at Rio, and comes through Franklinton, extending to Tylertown of Pike County, Mississippi. This railway was constructed in 1907, in the spring.

MILITARY QUOTAS IN THE MEXICAN AND CIVIL WARS

Since the days of the first settlers, Washington Parish has proven her intense patriotism. It has been shown that we gave our co-operation in throwing off the Spanish yoke, in maintaining the independence of the "State of West Florida," and in the War of 1812. In the Mexican War, in 1846, many of our citizens joined the Louisiana Volunteers. More died however from yellow fever and typhoid in this war, than did from the wounds on the battle-field. Again, when the Civil War began, Capt. Hardy Richardson of Co. I, 9th Regiment, 9th Brigade, together with Capt. Slocum, Lt. John Wadsworth, Serg. Bankston, and Col. George H. Penn, took full forces to Virginia who fought in the battles of Bull Run, Harper's Ferry, Manassas, Winchester, Antietam, and others—17 in all. These were in General Dick Taylors Hays' Brigade. Others were with Jackson. Some enlisted in the St. Helena Rifles, and the Mississippi Volunteers at Magnolia, and many of these were in the battles of Mansfield, the sieges of Baton Rouge and of Vicksburg, quite a number being captured and imprisoned on Ship Island with negro guards. The Volunteers for service in May, 1861, were given a big picnic dinner at the Slocum church just before leaving. Three young ladies, Misses Fanny Magee, Martha Magee, and Vanda Collins, managed the program of readings and songs and presented the men with beautiful silk flags, which were lost when being carried from place to place. About eighty were here, these going direct to Camp Moore, thence to Richmond.

In the year 1862 a Washington Parish unit of cavalry, called the "Pumpkin Studs" was organized in the town of Franklinton. These too, proved active throughout the term of the War between the States.

Once more during the Spanish-American War about Cuba, in 1898, we furnished a full quota of men for service. And again typhoid and other diseases wiped out a larger number than did the bullets of the enemy.

**COL. W. H. SULLIVAN AND THE GOODYEARS BEGIN
THE LUMBER INDUSTRY**

It was in the springtime of 1906, when our fair hills and valleys were at their sweetest and most superb beauty, when the wild azalea and the yellow jasmine with their perfume mingled in the freshness of the majestic yellow pines made fragrant all the atmosphere; when the dogwood blossoms showed their startling purity against the soft green of the pine needles; when the parsley haw, and the rare rhododendrons with their pink and white blossoms graced every little vale; when the tiny white, the sweet blue, and the perfect ox-eye violets mingled with the sweet red turkey-berry creepers, and the sweetheart roots underfoot; when the coral vine and wild honeysuckle encircled every tree not already encircled by the muscadine and grape; when the sweet bay and magnolia were broadcasting their rich essences, and the new growth of the pines were like the many candles on the Christmas trees of the children. Is it any wonder that the impressionistic blue-eyed Irishman chose here to pitch his camp? Are you surprised that he and his few lumbermen here built their shacks and sent for their wives, who were led by that sweet lady, the blue-eyed Irish lady named Elizabeth Cooger Sullivan? Only a farm or two, such as J. L. Pierce and D. W. Richardson, were in this neighborhood of the little creek Bogue Loosa. But in 1907 a little mill had been started by Col. William Henry Sullivan as its manager, though owned by the Goodyears and their interests. When Col. Chas. W. Goodyear of Reading and Buffalo visited the little sawmill, Mr. Sullivan introduced him to the Southern huckleberry, and the juice of the muscadine. Here were red deer, wolves, bears and foxes, not to mention innumerable squirrels, partridges, doves, and fish. Here was a paradise of the longleaf pine, whose sharp pointed needles, like human fingers, pointed toward the heavens in a gesture divine. To those of us who are reared among them, the pine of the long needle is the most majestic, the most superbly dignified of the entire tree family. Here, too, the mocking bird sings his sweetest, and the cardinal shows his greatest beauty. Here we find a land so fertile among fields of perpetual green, that any kind of semi-tropical fruit, any class of vegetable, may be successfully grown.

FOUNDRY OF BOGALUSA

From the name of the creek upon whose banks the town was built, Col. Sullivan chose the name of Bogalusa for the city. And in 1907 his census showed the population to be 1,600. Again in 1908, the number was 2,000; in 1909 it had grown to 3,000; in 1910 to 5,000; in 1911 to 7,500, and to 8,500 in 1912, while today the population is about twenty thousand. From its beginnings in 1907, the Great Southern Lumber Company, through Mr. Sullivan, hired deputy sheriffs for the town until its incorporation. The Great Southern also supplied the mail delivery system, rather "backed it up" until the town was incorporated. In 1907, the Great Southern Lumber Company interests, in other words, the Goodyears and those associated with them, built and controlled as they do today, the New Orleans Great Northern Railway. In 1912, unincorporated Bogalusa had free mail delivery, three public schools, a hospital, a Y. M. C. A., and its first paper mill. In this year was established a turpentine plant, a creosote plant, and the Pine Tree Inn. The latter is owned and controlled by the Great Southern Lumber Company in this most unique and magically growing of cities. It was with the assistance of this company, that Washington Parish was among the leaders in the establishment of Parish Health Units, and the employment of Rural Farm and Home Demonstration Agents, which are employed today. In 1914, the town was incorporated, and the Hon. W. H. Sullivan chosen as the first mayor. He served in this capacity until his death in 1929. At the time of incorporation, Bogalusa had water, sewerage, light, and other public systems and chose the commission form of government. At this time the first city court of the parish was organized in Bogalusa. Then after this came the Y. W. C. A. as a gift of the Goodyears in 1917; the box and bag factories, the canning and furniture factories, the enlarging of the paper mill, the construction of the experimental laboratories and the beginning of the pine tree nurseries. Bogalusa has the distinction of having the largest sawmill in the world, and the largest pine tree seed and nursery company in the world. Although the youngest town in the parish, it is the largest, and has perhaps the most cosmopolitan population of any city of its size. Almost every nationality is represented. Its growth has been like magic, and a great deal of credit for this thriving modern city, and for the development and progress of the entire parish as well, is due to the lib-

eral policy pursued by the Great Southern Lumber Company, led and encouraged by the late Col. W. H. Sullivan, a man of broad vision and one who loved with all his heart his adopted country.

In Bogalusa today are three banks, two newspapers, and a public school system for 3,000 children, including seven white and three colored schools. In the vicinity of the town are the large pastures used for reforestation. The first of these pastures was planted with seedlings from the nursery as a living monument to our boys "Over There" in the year 1918. Now under plantings and fences, are more than fifteen thousand acres. The idea of reforestation has become thoroughly imbued into the minds of the citizens. These pastures of living green are beauties unequalled anywhere.

WORLD WAR ENLISTMENTS

During the World War, other than the scattering volunteers always to be accounted for, Washington Parish was represented by its own Company "G", of the Louisiana National Guard, transferred to the 1st Regiment of the Louisiana Infantry, under Col. Frank M. Stubbs, Capt. Paul O. LeBlanc commanding. 3,300 in all enlisted from our parish including two Indians. Of course we had the usual, and most active parish organizations of the Red Cross, National Defense Councils, and all of that. As a parish, in all the various activities of the strenuous wartime, we more than "went over the top."

Today, where the log cabins of the pioneers were reared in and hewed from the primal pine forests, where the trails were the only roads, and the only means of conveyance the cumbersome ox-carts of our fathers, where schools and churches were almost unknown, and one knew not what the world was doing until many moons later, where the tallow-dipped candle was the only light, and the wild fruits as well as the "kill of the hunt" formed the major food, today we have the radio, the autos, stock farms, vineyards, electricity, every conceivable aid of science. Time brings changes in everything. Ere still another century has passed, we can and do expect to do greater and better things, for this beloved country of ours. Still it is very pleasant to sit under one's own vine and fig tree; and to listen to the mocking bird warbling his sweet song of praise as he nestles near your window. May we grow and grow, until Washington Parish is the very best in the State, and that, too, in everyone's opinion, not just the opinions of her loyal citizens.

THE FIRST MEETING OF THE LOUISIANA HISTORICAL SOCIETY

In the Sala Capitular at the Cabildo, New Orleans,
November 15, 1911

EDITORIAL NOTE: The *Quarterly* is enabled through the kindness of H. Gibbes Morgan, Esq., to print the original report made by him to the Louisiana Historical Society on November 15, 1911, on the occasion of the first session of the Society in the Sala Capitular at the Cabildo in New Orleans. This document commemorates an historic event in the career of the Society and in the literary and social life of New Orleans. It tells the story of the struggle to obtain a permanent meeting place for the Society and the date of this removal into our present splendid quarters should be commemorated by preserving in print this contemporary story of the event.—H. P. D.

November 15th, 1911.

*Professor Alcee Fortier,
President Louisiana Historical Society.*

MR. PRESIDENT:

It is with particular pleasure that I respond to your request, for a report as Chairman of the Committee, appointed by you at a meeting of our Society, held during December last in the main Public Library of this city, to make provisions for the removal of the Society's effects from the old location in the Washington Artillery Hall, to our natural and permanent home, our much coveted "Sala Capitular," in this historic Cabildo.

You will recall that, at one of the Committee's rather informal gatherings, the curator of the State Museum, Mr. Robert Glenk and I, were appointed by yourself to take such steps as we deemed necessary to restore this hall to its Colonial condition, and to arrange, if we could, for the proper installation of the historical collection, now in the custody of the Louisiana Historical Society.

Your Committee, realizing, after most careful reflection, the Society's absolute financial inability to provide for any adequate disposition of the collection actually in hand, reluctantly abandoned any immediate attempt to equip the Hall. At this juncture, the Directors of the Louisiana State Museum, through their President, the Honorable T. P. Thompson, volunteered to assume

the responsibility of restoring the Hall practically to its original condition, and further offered to transfer the valuable historical relics of the Society from the old and wretched surroundings on Carondelet St., free of cost.

To the astonishment, therefore, of the majority of the members, this old building was phoenix-like transformed. The "Sala Capitular" where we are assembled tonight has received from the Museum Board, through the well directed efforts of Mr. Glenk, every possible attention within its limited means. Carpenters, painters, plasterers, bricklayers, electricians and scores of common laborers were employed, and, within an incredibly short time, the former familiar old Supreme Court Room, the Examination and Consultation Rooms, and the Judges' ante-rooms were transformed into two splendid large halls, running the full length and width of the old building, admirably adapted to the purpose of displaying, temporarily at least, the treasures of our collection.

For your further information, I beg to say that some six hundred dollars has been spent to date, on the renovation of this Hall. The walls, ceilings, windows, within and without, the floors, doors and all other connections, have received many applications of paint and oil; even disinfectants have been freely used, under the skillful direction of Mr. Glenk, and we can assure you that you are presently assembled in a truly germ-free atmosphere.

In the room in our rear, used, as I understand, for many years as an examination room for candidates for admission to the bar, many repairs were necessary; the ceiling in this room was a complete wreck, the walls in not much better condition, and the fireplace and ancient chimney were found in dangerous shape.

Your inspection of what has been accomplished in the way of improving such conditions, is respectfully invited, and we sincerely hope that the efforts of the committee, always under the direction of the Curator, Mr. Glenk, will meet with your full approval.

I have spoken only of the actual physical changes and restorations in this hall. Your attention is now called to the array of serviceable wall and table exhibit cases, representing, as they do, a considerable item in the general expenditure.

Mr. President, we are gathered here tonight in a room remarkable for its historic associations, in a room delivered over to this Society by the City Fathers, through the foresight and through the efforts of Honorable Charles T. Soniat, our esteemed

First Vice-President. The Hall is ours, but can we support it? I appeal to you and to our members for suggestions and recommendations. We, as the originally appointed committee, have reached the end of our decidedly abbreviated rope; we have no funds for our collection equipment and maintenance, and have not, and cannot well expend one cent in this direction. Happily for us, we have enjoyed the good will of the Museum's Directorate, and through the Museum's indefatigable Curator, Mr. Glenk, this Hall has been made ready for our occupancy; our possessions, under his supervision, have been most intelligently and interestingly displayed, notwithstanding discouraging handicaps of insufficient financial aid, and other disadvantages.

The Museum Board will agree to furnish us light for meetings, etc., at the rate of \$2.00 per meeting, and will furnish us janitor service for a similar amount. Perhaps we can meet this trifling expense, but what shall we do as regards the regular daily care and maintenance of our priceless relics and souvenirs, so many of them already installed?

The Museum Board, realizing the absolute necessity of placing someone in charge of our Hall, engaged the services of a lady, who has had the immediate care of our collection, both in this Hall and in the Hall in front. An official janitor service has also been secured by the Museum Board, whose duty it is to watch the exhibits by day, and to conduct the many visitors properly throughout the building. In this we have received considerable protection, but shall we expect the Museum Board to stand indefinitely the expense of caring for our possessions? Something must be done by us.

Another important matter which commands our attention, is the problem of heating. Had we attempted to meet here several evenings ago, it would have been absolutely necessary to have provided a temporary coal stove for the comfort of our members, otherwise the meeting would have been unquestionably called off until the weather permitted us to meet again. Anticipating just such conditions at some future meeting of the Society, I have gone over the situation thoroughly with an expert plumbing establishment, and find that the fittings and installation necessary to a gas heating system can be arranged for, at not very much expense, we, to purchase the gas heaters and secure all necessary authority and consent from the New Orleans Gas Co., to make the street connection, etc. I strongly advocate the installa-

tion of gas as a heating medium; while this system may prove slightly more expensive, many other advantages warrant its adoption. I submit the selection for your serious consideration.

Permit me also to advise that I have personally called upon our Mayor and the Commissioner of the Department of Public Works, asking the former to give us some early relief from the excessively disagreeable conditions resulting from the location of a precinct jail, and a Recorder's Court, at our very doors. His Honor could not positively promise any immediate relief in this connection, but assured me that he would not forget the situation, and would unquestionably remove both places as soon as he could find the ways and means of so doing. I requested Mr. Smith, the Commissioner of Public Works, to instruct his street gangs, in the neighborhood of the Museum, to give special and constant attention to the condition of the streets and gutters in that section. This district is, as a rule, in a sorry condition, but it is, at the same time, I admit, a problem difficult of solution. He has promised me his hearty and willing support, and, realizing its necessity, I think he will help us.

With this epitome of what has been—and still remains to be done—I will bring this, my report, to a close, realizing fully that only one-half of the story has been told of the labor of love that our Association has undertaken, and what will be expected of us by our fellow citizens, who cherish the memory of the early days of our dear old city, and who wish to see her ancient glories perpetuated, while they, at the same time, seek to crown her with fresh laurels by their present activities in the line of patriotic endeavor. There can be no better school for them than is to be found within these ancient walls, by the study of the gallant deeds, and strenuous lives of their forebears, who made this a garden spot out of the morasses they found here when they planted the cross on the banks of the Great Father of Waters.

Then, too, where can one find more congenial surroundings when in search of that relaxation which brings peace and comfort to the weary. A quiet, undisturbed, dreamy vision of life lingers within these walls, creating a sensation of entire repose as it falls upon the heart of the weary wanderer, tired of life's busy bustle, and, upon those restless minds who look for nothing in life except perpetual, unceasing action. About this old building there surely clings a host of historic associations, which throw

around it a charm few can fail to note and appreciate. Time worn, it should appeal to our instinctive feelings of reverence for antiquity, and we should feel desirous to know more of the history of its earlier days.

Respectfully submitted,

H. GIBBES MORGAN, JR.,

Chairman.



SCHOOLS OF NEW ORLEANS DURING THE FIRST QUARTER OF THE NINETEENTH CENTURY

By Stuart Grayson Noble, Ph. D.

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I. THE FIRST PUBLIC SCHOOL

SHORTLY after he assumed control of the government of the Territory of Orleans, Governor W. C. C. Claiborne directed his attention to education. One of his first official acts was to urge the municipal authorities in New Orleans to make some provision for public schools.¹ Not permitting the matter to rest with a brief exhortation, the Governor assisted the city government in its efforts to secure a place to open a school. On May 29, 1804, he petitioned the President of the United States for permission to use for school purposes certain lots and public buildings not of immediate use to the Federal authorities.² This request seems to have been granted; and the first American public school seems to have been opened some time either in 1804 or 1805.

On this point, there is the evidence of Claiborne's correspondence of 1805, relating to a controversy between the military authorities and the city government for the possession of a certain public building. In answer to Mayor Watkins' protest against the occupation of the building by a Colonel Freeman, Claiborne wrote the Mayor on August 8, 1805, as follows:

"I am aware that the building now occupied by Col. Freeman was formerly used as a Public School House, and I should be pleased to see it again appropriated to the same laudable object."³

This rather positive statement that the building was actually *used as a public school house* is apparently contradicted in a letter of the same date which he wrote to the Secretary of State recounting the controversy. Note the divergence in the following:

"The Mayor of the City solicits that the Building in question may not be diverted from the laudable object for which it

¹Official Letter Books, Vol. I, pp. 326-327. Letter to James Madison, Jan. 2, 1804.

²Ibid., Vol. II, p. 174. Letter to Thomas Jefferson.

³Ibid., Vol. III, p. 147.

was designed, and that *until provision be made for a public school he begs that it may be used as a Library Hall for the Public Library about to be established in the City.*⁴

The reader is at liberty to take his choice of the ideas presented in these contradictory statements. I have no further evidence to offer on the subject. My personal opinion is that if a public school were opened at this time, it amounted to little. The City does not seem to have concerned itself much with public schools any time during the first quarter of the century. With the exception of the letters just quoted, there is no evidence that any public institution, either of primary or secondary grade, other than the College of New Orleans, was established between 1805 and 1826.

II. PRIVATE SCHOOLS OF OLD NEW ORLEANS

The private schools of New Orleans, during the first quarter of the nineteenth century, had practically the whole field of education to themselves. The state-supported College of New Orleans, it is true, made a feeble show of competition, but it can hardly be said that this institution drew much either of prestige or of patronage from the private schools. Not until a later period were even the church schools to play an important role in the educational life of the city. The Jesuits, who had established a mission as early as 1723, had been expelled in 1763, and, although they had returned earlier in the nineteenth century, they did not properly begin their educational activities before the founding of the Jesuit College toward the middle of the century.⁵ From 1800 to 1825, as we shall see, parents who aspired to have their children learn to read and write either their own language or another, were forced to patronize the private schools or else employ tutors for them.

The crying need of the times was for the means of communication between the several nationalities represented in the population of the city. For business as well as for social purposes everyone needed a knowledge of at least two, or better, three, languages. Francis Bosquet, one of the earliest to sense the financial possibilities in an evening school for languages, opened

⁴*Ibid.*, Vol. III, p. 148. Italics by the writer of this article.

See also *Official Letter Books*, Vol. III, p. 208. Letter to President Jefferson, October 23, 1805, recommending that this property be turned over to the Regents of the University.

⁵*The Jesuit Relations and Allied Documents*. Vol. LXX, pp. 231-233; Vol. LXXI, p. 126.

his school at 140 Bourbon Street late in the year 1804.⁶ M. Bosquet advertised to teach English to any who should come to him. He also offered to make translations for a price and to sell elementary textbooks to his students. Other such schools were opened later.⁷

Most of the private school masters, or mistresses, tried to increase their patronage by making several different appeals. Some offered both secondary and primary courses; some opened their doors to both sexes;⁸ some offered to provide board, lodgings and washing for their pupils.⁹ Some appealed to both English and French elements.¹⁰ Some dangled the attractive bait of vocational courses such as "accompts" and navigation; others offered Greek to boys, and still others, the art of painting on velvet to girls. The wide range of subjects which a master might offer in that day, seemed to enhance his prestige rather than to detract from it, as would be the case today. Judging from their advertisements, we may say with justice that early school-masters in New Orleans were jacks-of-all-trades.

The financial rewards of teaching seemed to impress new comers—especially those of literary attainments and attenuated fortunes. Don Joseph Roxas, formerly a teacher of Mathematics in Mexico, advertised upon his arrival that he could offer courses in applied mathematics for the further enlightenment of sea captains and army officers. This announcement having failed to attract a sufficient number of students, he announced the opening of a school for the teaching of Spanish and mathematics.¹¹ French masters seem to have been numerous,¹² and the ubiquitous Irish were in evidence.¹³

When a master was not blessed with a wife capable of teaching girls or of operating the boarding department, he usually found it advantageous to form a partnership with another master whose teaching specialty lay in a field different from his own. The dual partnership cut down overhead expenses and appealed to a broader clientele. This explanation accounts for such estab-

⁶*Louisiana Gazette*, Nov. 16, 1804.

⁷*Ibid.*, Sept. 27, 1805; April 19, 1811.

⁸*Ibid.*, April 23, 1824.

⁹*Ibid.*, Aug. 6, 1805; *Argus*, July 12, 1826.

¹⁰*Moniteur de la Louisiana*, April 15, 1809; *Gazette*, April 18, 1811.

¹¹*Gazette*, April 9, 1811.

¹²*Courier*, January 13, 1813.

¹³*Gazette*, April 8, 1811; April 18, 1811; May 2, 1811.

lishments as those of McKinsey and Nugent,¹⁴ Hacket and Fontaine,¹⁵ Nunon and Gracie,¹⁶ and Debecourt and Bournos.¹⁷

For many years the highly respected Ursuline Convent, in training the young women of the community, had served as a stimulus to parents to educate their daughters as well as their sons, but tracing the influence of this estimable institution belongs more properly to a study of the Colonial period. After the American occupation, a number of private schools were opened to both sexes, although the girls seem to have been taught separately.¹⁸ Typical of the times was Mrs. Leonardy's school for girls, "La Maison d'Education," which offered instruction in French, reading, writing, calculation, orthography, geography, embroidery, design, and music.¹⁹ Boarding schools from a distance solicited the patronage of the city. Mrs. Walshe,²⁰ recently from Dublin, advertised in 1811, the advantages of her boarding school located near Bayou Sara. An advertisement of Miss Casey's day and boarding school for young ladies, located in New York City, set forth the details of its attractive "finishing" course.²¹ The course of study in the typical girls' school, trained young women in the ladylike accomplishments of the times. Much stress was placed on manners and morals, modern languages, piano playing, singing, drawing, painting and fancy needle work.²²

The masters of boys' schools usually offered to teach the elementary branches, reading, writing, and arithmetic, English grammar, geography, and history. Some of them added Latin and Greek or "accompts" to their lists. An efficient method or a new device was frequently presented to the favorable consideration of the public. George Cleugh in 1808 claimed to be the first in Louisiana to teach language "grammatically."²³ Bernard and Maurey introduced the Lancastrian system some time prior to 1824.²⁴ Another French master promised to teach pupils to read, write, and perform the elementary functions in arithmetic "in two months at the soonest and three months at the latest" and

¹⁴*Ibid.*, April 18, 1811.

¹⁵*Moniteur*, April 15, 1809.

¹⁶*Advertiser*, March 6, 1826.

¹⁷*Gazette*, May 20, 1825.

¹⁸*Gazette*, April 18, 1811; May 20, 1825.

¹⁹*Moniteur*, March 16, 1813.

²⁰*Gazette*, April 8, 1811.

²¹*Ibid.*, Sept. 8, 1826.

²²*Ibid.*, April 8, 1811.

²³*Ibid.*, Feb. 5, 1808.

²⁴*Courier*, March 19, 1824.

to correct the most vicious handwriting in eight lessons by a method known as "writing in six lessons."²⁵

Tuition fees for day pupils ranged from two dollars and a half to four dollars a month²⁶ according to the school and grade of instruction required. Boarding pupils could secure tuition, board, room, and washing for from \$120 to \$180 a year.²⁷ Music, dancing, and fancy work were taught for extra fees.²⁸

We have little information regarding these old-time schools, except what may be gathered from the advertisements in the newspapers. From these sources, it is difficult to estimate the relative importance of any particular school. The advertisements usually announced the time of the school's opening, the location, the subjects that would, or could, be taught, and the fees that would be charged. An advertisement was seldom repeated from year to year, a fact which may lead us to suspect that few schools continued under the same management for longer than a year or two.

Perhaps there were schools of a better sort which did not have recourse to the newspapers and, as a consequence, left no records. An important school was that founded by Lefort just outside the city limits. Governor Claiborne, in his message to the legislature in 1809, praised it as having "acquired some celebrity" and recommended that it be purchased by the State.²⁹ Sometime later, it seems to have been taken over by the Reverend Michael Portier who, with ten assistants, maintained two establishments, one in the city and the other in the country, moving the entire student body to the country during the "sickly" summer months.³⁰ Under the able administration of the Reverend Portier, the school enrolled 200 pupils who were taught by the Lancastrian system.³¹

It would be difficult to estimate the degree to which these private schools adequately supplied the needs of the community. We do not know how many pupils were attending school, nor do

²⁵*L'Ami des Lois*, July 5, 1819. Quoted in Biographical and Historical Memoirs of La., Vol. I, Chapter IX.

²⁶*Gazette*, Sept. 27, 1808; Aug. 29, 1815.

²⁷*Ibid.*, Aug. 16, 1805; April 8, 1811.

²⁸*Ibid.*, April 8, 1811.

²⁹*Official Letter Books*, Vol. IV, p. 193. Lefort was a French scholar who came to New Orleans in 1800 and was permitted by the Spanish authorities "to open a school for higher education in New Orleans."

See Dart, *Public Education in New Orleans in 1800*, *La. Hist. Qy.*, Vol. 11, p. 241, April, 1928.—Ed. *La. Hist. Qy.*

³⁰*Argus*, July 12, 1826; October 10, 1826.

³¹*Seventy-fifth Anniversary of Spring Hill College*, Chapter I. The Rev. Portier later was elected Catholic Bishop of Alabama and founded Spring Hill College.

we know even the number of schools that were in operation any one year. Karl Postl, who visited New Orleans in 1826, declared that educational facilities were "inferior to those of any city of equal extent and less wealth, such as Richmond, and even Albany."³² He mentioned the College of New Orleans, a Catholic secondary school, and a school conducted by Mr. Shute, an Episcopal clergyman, as the only institutions in the city, except the private primary schools and a few boarding schools for girls.

Men of literary tastes did not always find the atmosphere congenial.³³ An article signed "X" in the *Gazette* in 1826 asserted that "in cultivating Literature and the Arts," Louisiana was "fifty years behind some of our sister states."³⁴ Books seem to have been scarce and the reading public limited to a small group. The New Orleans Library Society was incorporated April 19, 1805, and in 1816, it was authorized to raise \$2000 by lottery. The Free Library Society had accumulated one thousand volumes by 1824 when Judah Touro proposed to donate a building.³⁵ Books advertised for sale were mainly of the sober sort, consisting chiefly of textbooks, law-books, dictionaries, atlases, and historical works.³⁶

The educational needs of New Orleans during the first quarter of the nineteenth century were of a practical character. The schools were called upon to assist in overcoming the language difficulty brought about by the merging of the Anglo-American, French, and Spanish elements in the community. The French and Anglo-Americans, it is true, often had separate private schools for their children, but, even in these, more than one language was taught. The schools were ready also to meet the practical demands of commerce for bookkeeping, navigation, etc.

The cultural demands were largely elementary. Girls were taught a smattering of the fine arts, needle-work, and manners. Boys might study Latin, but seldom Greek. Books were scarce and reading was more for information than pleasure.

³²Karl Postl *Americans As They Are*, Chapter XVI, London, 1828.

³³Letters from Louisiana, 1813-1814, John Windship to William Plumer, Jr., *Miss. Valley Hist. Review*, Vol. XI, pp. 570-579.

³⁴Gazette, Nov. 16, 1826.

³⁵Acts of Louisiana, Act approved April 10, 1824.

³⁶The following is a selected list made up from titles advertised by bookstores (1805-1826). See *Gazette*, Aug. 16, 1805; April 8, 1811; *Advertiser*, March 1, 6, 7; April 5, 7; May 27, 1826.

Lady Montague's Works; Royer's French and English Dictionary; French and Spanish Grammars; Greenleaf's English Grammar; *Telemachus* in French and English; Woodbridge's Geography and Atlas; Montesquieu's *Spirit of the Laws*; French Law Books; Combe's Elements of Phrenology; Humboldt's *History of New Spain*; Paley's Philosophy; Scott's Novels; Cooper's *Last of the Mohicans*.

III. THE COLLEGE OF NEW ORLEANS

The College of New Orleans had its inception in "An Act to Institute an University in the Territory of Orleans," approved April 19, 1805. This act authorized its establishment as the capstone of the university and empowered the faculty and Board of Regents to confer degrees in the liberal arts and sciences, such as were "usually granted and conferred in other colleges in Europe and America." A staff consisting of a president and four professors were contemplated in the law. Latin, Greek, English, French and Spanish, as well as the "sciences, philosophy, and literature," were to be taught. Clearly an institution of secondary and higher instruction was in the mind of these early lawmakers.

The act of 1805 authorized the Board of Regents to raise by lottery \$50,000 annually for the support of the university, including the city college. In that day, no moral stigma pertained to the lottery device which was frequently employed with success in other states as a means for providing school revenues. In the present instance, the lottery was slow in getting started and, from the first, promised little hope for success.³⁷ Governor Claiborne observed the flimsiness of this plan for producing revenue, and, as early as 1806, urged the Legislature to provide a more substantial means for support.³⁸ Without raising a cent of revenue for the university the plan was abandoned in 1808.³⁹ No reasons for this failure have been assigned, but the fact remains that neither the gambling spirit of the community nor its interest in education could be enlisted in behalf of the enterprise. The reluctance of the Legislature to resort to direct taxation for educational purposes was not overcome until 1810, when that body appropriated \$20,000 for the establishment of the College of New Orleans.⁴⁰ But even this amount seems not to have been immediately available, and the opening of the institution was delayed so long that the Act of April 9, 1811, rendered the appropriation ineffective. Under the provisions of the latter act, an appropriation of \$15,000 was made for permanent equipment, and an annual maintenance fund of \$3000 was authorized.⁴¹

The history of the college properly begins with the approval of the Act of April 9, 1811, which not only set aside the funds

³⁷Advertisements of the lottery appeared in the *Gazette* from Dec. 17, 1805, to October 10, 1806.

³⁸*Claiborne's Letter Books*, Vol. III, p. 277.

³⁹Act of March 8, 1808. See *Gazette*, March 22, 1808.

⁴⁰See Act of April 9, 1811, Section 7.

⁴¹*Ibid.*, Sec. 1.

necessary for its establishment but, at the same time, authorized the Board of Regents to purchase a site in or near the city and to buy or construct the necessary buildings. The same act authorized the regents to appoint fifty free scholars from the "poorest class" and to provide accommodations for both day and boarding pupils.

The regents were authorized to draw upon the State treasury for \$15,000 when the college was ready to be opened. Either adjudging this amount too small or the pledge of the Legislature too unstable, the regents undertook to raise an additional sum by private subscription. In the Cabildo Archives⁴² is to be found a list of 175 citizens who, between June 11, 1811, and October 31, 1812, subscribed and paid in amounts varying from ten to \$200, a total of \$10,358. Both Anglo-American and Creole names appear on this list, with the names of the Creoles predominating. The resources of the new institution were further augmented by the donation of thirty-nine lots by the city.⁴³ Jules Davazac was elected the first principal. He was commissioned, as "Le Secrétaire du Bureau d'Administration," to receive funds subscribed but still unpaid.⁴⁴

The site selected for the new institution was that later to be occupied by the Church of St. Augustine at the corner of St. Claude and Hospital streets. The grounds, consisting of a "large tract" of land were ample but poorly located. Castellanos, who seems to have been informed as to the geography of the old city, says that the college was located in a remote suburb with the hope of encouraging the development of that section, and adds: "But the project [of opening a new *faubourg*] proved futile, and for a number of years, the college continued in its isolated position; for, being surrounded by an almost unfathomable morass, the people were loath to locate their domiciles in this noisome neighborhood."⁴⁵ This doubtless accounts for the fact that the college never had a large number of day pupils.

The date of the opening is uncertain. This may have occurred as early as January, 1812, as Davazac's accounts for the period between January and May of that year, show expenditures ranging from \$595 to \$712 per month.⁴⁶ On June 6, 1812, the

⁴²Cabildo Archives, No. 142. Original list of subscribers to the College d'Orleans, 1811-1812. T. P. Thompson Collection.

⁴³Ibid, Record Book, 4080.

⁴⁴Moniteur, Jan. 7, 1813.

⁴⁵Castellanos, Henry C., *New Orleans As It Was*, p. 317, Second Edition, New Orleans, 1905.

⁴⁶Cabildo Archives. No. 142, T. P. Thompson Collection.

principal notified the City Council that twenty-five free pupils were to be received and that the city was entitled to the choice of one student for free tuition.⁴⁷

The funds provided for operating expenses seem to have been fairly liberal for the times. Fay estimates that the college received from the State, between the years 1811 and 1826, a total of \$103,500, of which all except the initial \$15,000 were appropriated for operating expenses.⁴⁸ To this he adds an uncertain amount possibly received from lotteries authorized in 1813 and in 1819—at the most, not over \$75,000, and probably much less.⁴⁹ Income from State sources between 1821 and 1826 ranged from \$5,000 to \$10,000 a year. During the last three years of its existence, the income from a tax on gambling houses in the city brought in over \$7,000 a year. This fund Fay adds to the total annual appropriation of \$5,000. From these figures, it may be seen that the College of New Orleans, considering the size of the establishment and the purchasing power of the dollar, enjoyed a comfortable income. Little is known of its actual expenditures. A manuscript in the Cabildo Archives indicates that during the first year of its operation, expenses averaged around \$650 a month.⁵⁰ At the time of its dissolution, it was charged that the debts of the college amounted to \$30,000 and that the administrators had squandered from \$200,000 to \$400,000 of its funds.⁵¹ These charges, however, were never substantiated.

The College of New Orleans followed the European tradition of taking pupils to board in the institution even though their families might reside in the city. This practice was at variance from that of the short-lived *écoles centrales* from which the college seems to have been modeled, but in line with the earlier, as well as the later, practice of French secondary schools.⁵² Gayarré intimates that parents who could afford to board their children in the institution did so, and that the "full boarders" had social prestige not enjoyed by day students or by the poor boys who were admitted on regents' scholarships.⁵³ In Gayarré's youth, there were only a few day scholars. By 1826, this situation had changed somewhat, for James Workman, President of the Board of Ad-

⁴⁷ Mayor's Messages, January 1812, to December, 1813.

⁴⁸ Fay, *History of Education in Louisiana*, p. 63.

⁴⁹ Whether this amount, or any other, was ever actually received, from this source, seems to be a matter of doubt.

⁵⁰ Cabildo Archives, No. 142, T. P. Thompson Collection.

⁵¹ *Advertiser*, Feb. 16, 1826; February 25, 1826.

⁵² Farrington, F. E. *French Secondary Schools*, p. 64.

⁵³ Gayarré, Charles, *Fernando de Lemos*, Chapter 2.

ministrators, reported to the Legislature on January 19th of that year that only two of the twenty students were boarders.⁵⁴

The College of New Orleans, in the fifteen years of its career, never rose to the rank of a college as we understand the word today. Its course of study even in its day, was never regarded as of collegiate grade. Although authorized by the Act of 1805 to confer degrees, there is no record of its ever having done so. Even though there may have been several private schools capable of preparing students for college, the clientele interested in higher education does not seem to have been large enough to support such an institution. At any rate, the College of New Orleans opened its doors as a grammar school of the type then familiar in Europe and in the Atlantic states. As such it entered into active competition with private schools of the same rank.⁵⁵

From newspaper accounts of the public examinations, we may infer the course of study. In 1815, the parents and prominent citizens observed the progress of the pupils in English, French and Spanish, mathematics, and geography.⁵⁶ Four years later they were invited to observe examinations in arithmetic, geometry, algebra, mechanics, Latin, English, French, and Spanish.⁵⁷ In Gayarré's student days, according to his own account, music, fencing, and dancing were also taught, but no Greek.⁵⁸ That the subjects were on either the elementary or secondary level is implied in the disparaging comment of Governor Henry Johnson that the college could not for many years hope to "rise much above the rank of a grammar school."⁵⁹

It is difficult to determine the influences that played a part in the organization of the curriculum of the College of New Orleans. The act of 1805 seems to have been copied, wherever applicable, from the act of 1787, establishing the University of the State of New York.⁶⁰ The curriculum of Columbia College, incorporated under the New York law, however, was not outlined in the act which served as prototype and the Louisiana lawmakers were therefore forced to draw from other sources the outline of the course for the proposed college. The outline, as adopted

⁵⁴Senate Journal, January 19, 1826.

⁵⁵Courier, January 13, 1813.

⁵⁶Gazette, Sept. 30, 1815.

⁵⁷*Biographical and Historical Memoirs of Louisiana*, Vol. I, Chap. IX. Quotes from *L'Ami de Lois*, Sept. 24, 1819.

⁵⁸Quotation in Fay's *History of Education in Louisiana*, p. 37.

⁵⁹Senate Journal, 1826, p. 7.

⁶⁰Noble, Stuart G., *Governor Claiborne and the Public School System of the Territorial Government of Louisiana*, La. Historical Quarterly, October, 1928, p. 540.

in 1805, included instruction in French, English, the "sciences, philosophy and literature besides Latin and Greek."

Although the liberal notions of men like Franklin and Jefferson were, at this time, working changes in the curricula of institutions along the Atlantic seaboard, American colleges were still hesitating to include such studies as the modern languages and the sciences. These studies, however, were beginning to find their way into the academies here and there and the narrow classical programs of the older Latin grammar schools were being modified. The liberal curriculum of the College of New Orleans may, therefore, reflect the new thought of the Atlantic states.

After the institution was opened in 1811, the curriculum prescribed in the statute of 1805 seems to have been found too far advanced, and philosophy, the sciences (other than mechanics and geography) and Greek, were never introduced. If we compare this abbreviated curriculum, consisting of Latin, modern languages, mathematics, and geography, with that offered in French *écoles centrales*, instituted by Lakanal and Daunou in 1795, we note a striking similarity.⁶¹ We note also a similarity between the course and that offered in contemporary private schools of the city.

The college, in the writer's opinion, owed its origin to Anglo-American influence in the Territorial Government, but there is reason to lead us to believe that the Creoles dominated plans for its operation. Gayarré informs us that the San Domingans, a small but intelligent element in the commonwealth, early secured control of the Board of Regents and dictated the appointment of Rochefort, the second president,⁶² if not that of Davazac, the first. The Creoles were generous contributors to the fund for founding the school, and throughout its history, seem to have been its chief supporters.

Of the inner life of the institution, little needs to be added to the charming account of Gayarré in *Fernando de Lemos*. The continental atmosphere seems to have pervaded the institution. Masters and students seem to have enjoyed an intimate association most conducive to a proper education.

The following is an account of the daily routine given by Gayarré in an interview with Mr. Fay:⁶³

⁶¹Farrington, F. E., *French Secondary Schools*, p. 64.

⁶²Fay, *History of Education in La.*, p. 30. Quotation from Gayarré's *Fernando de Lemos*.

⁶³*Ibid.*, p. 37.

"The students were required to rise very early, in the winter season before day; they then had breakfast, which consisted of a half loaf of dry bread, which each boy procured on hearing his name called, by going to an aperture whence it was dealt out. From half past seven until twelve students were engaged with their books and recitations; an hour was given for dinner, which was a more generous meal than breakfast, and for recess. From one o'clock until seven, they were back again at books. Then came supper, and the evening was devoted to recreation. On Sundays, they went to church at eight o'clock, and the rest of the day was free for pleasure; on Thursdays, they had holidays, and these were frequently spent on the bayou nearby fishing.

"The attendance numbered about a hundred; discipline was very severe. . . ."

To this account of the most distinguished graduate of the college, little can be added. We might note, however, that the summer vacation, now customary in American schools, was not observed. Governor Claiborne once made a commencement address on September 26, after which date there seems to have been a brief vacation.⁶⁴

For a number of reasons the college never secured the united support of the community. In the first place, there were many parents who preferred according to custom to send their children to the more conveniently located private schools.⁶⁵ Then, there were those who wished to have their children receive religious instruction, which the college, as a public institution, did not offer. This group of citizens went so far as to petition the Board of Administrators to permit religious instruction.⁶⁶ There were Anglo-Americans who also objected to the foreign teachers, so many of whom were employed in the faculty of the college. This objection was sustained when the new school law, which went into effect in 1826, required that an American citizen be employed as head of the city schools.⁶⁷ There were some also who were dissatisfied with the minor place English seems to have had in the course of study,⁶⁸ and some also who found fault with the management of the institution. The administrators were openly charged with squandering the funds and covertly ac-

⁶⁴*Gazette*, September 30, 1815.

⁶⁵*Ibid.*, April 18, 1826.

⁶⁶Cabildo Archives MS. No. 2661. T. P. Thompson Collection.

⁶⁷Act of March 31, 1826; also *Advertiser*, Feb. 16, 1826.

⁶⁸Fay, *History of Education in Louisiana*, p. 32.

cused of misappropriating them.⁶⁹ In addition to these objections, raised by the several elements in the population, we may add that the institution was inconveniently located and that the sentiment of the time did not promote an interest in education of the type offered by the college.

For all these reasons, the career of the institution was never at any stage a happy one. There seems to have been little need in the city for secondary instruction, but considerable demand for primary instruction. By 1819, the ultimate failure of the college was foreshadowed in the message of Governor Villere when he said: "I do not mean that there appears to me the slightest cause to reflect unfavorably on the College of Orleans, or on the other public schools of the state; but I think that these establishments are capable of much improvement."⁷⁰ The Governor made a plea for additional support which led to an increase of the annual appropriation, from three to four thousand dollars. An attempt to improve the school system of the State led to the abolition of the Board of Regents in 1821. A board of nine administrators was authorized to succeed the regents in charge of the college.⁷¹ Governor Thomas B. Robertson in 1825 admitted that the college has "disappointed the hopes of the public" but expressed his hope that the reforms recently enacted, by which "respectable and learned professors" had been obtained, would bring the college increasing prosperity and usefulness.⁷²

But in spite of increased revenues and internal reform, the college did not prosper. The Board of Administrators through their president, James Workman, made the following pessimistic report to the Legislature on January 19, 1826.⁷³

"The Administrators of the College of Orleans beg leave most respectfully to report that there are now twenty scholars educated in it, of whom two are boarders, and the remainder day scholars. And they cannot again forbear expressing to you their regret that their long and pressing endeavors in support of that institution have been attended with so little success."

The Legislature abolished the college March 31, 1826. The appointment of Lakanal, the noted French revolutionary, to

⁶⁹Advertiser, Feb. 15, 1826, Article signed "1776"; February 16, 1826, Article signed "A Creditor of the College."

⁷⁰Senate Journal, 1819, p. 6. Message of January 6, 1819.

⁷¹Act approved, Feb. 16, 1821. Section 10.

⁷²Senate Journal, 1825, p. 5. Message to the first Legislature of that year.

⁷³Senate Journal, 1826.

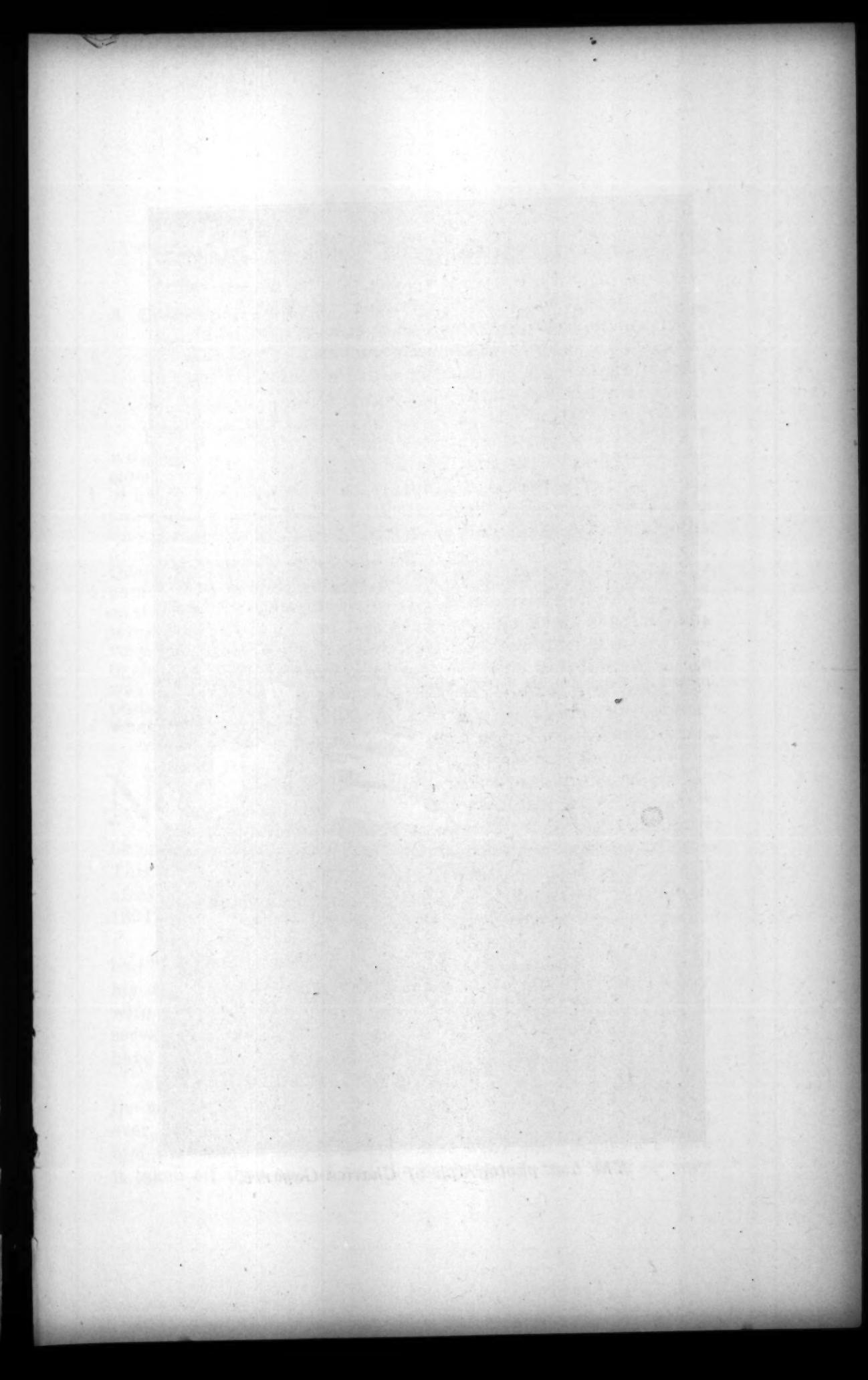
the principalship in 1826 is sometimes cited as the immediate cause of its abandonment.⁷⁴ Although Lakanal's appointment may have been objectionable to a portion of the French population, it was probably no more objectionable to the Anglo-Americans than that of numerous other foreign teachers who had previously been employed in the institution.⁷⁵ Lakanal himself lost his position with the closing of the college, but the imprint of his influence lingered in the type of organization adopted for the new public school system. The nomenclature of the new institutions, provided for in the Act of March 31, 1826, is identical with that used by Lakanal in the law of 1795, reorganizing the schools of France.⁷⁶ The *central school* of New Orleans was the French *école centrale*. We have already called attention to marked similarity of the curriculum of the college to this French school. Probably the conversion of the college into the central school was achieved by making only a few minor changes. Here we have one of the clearest instances of the French influence upon the Louisiana school system.

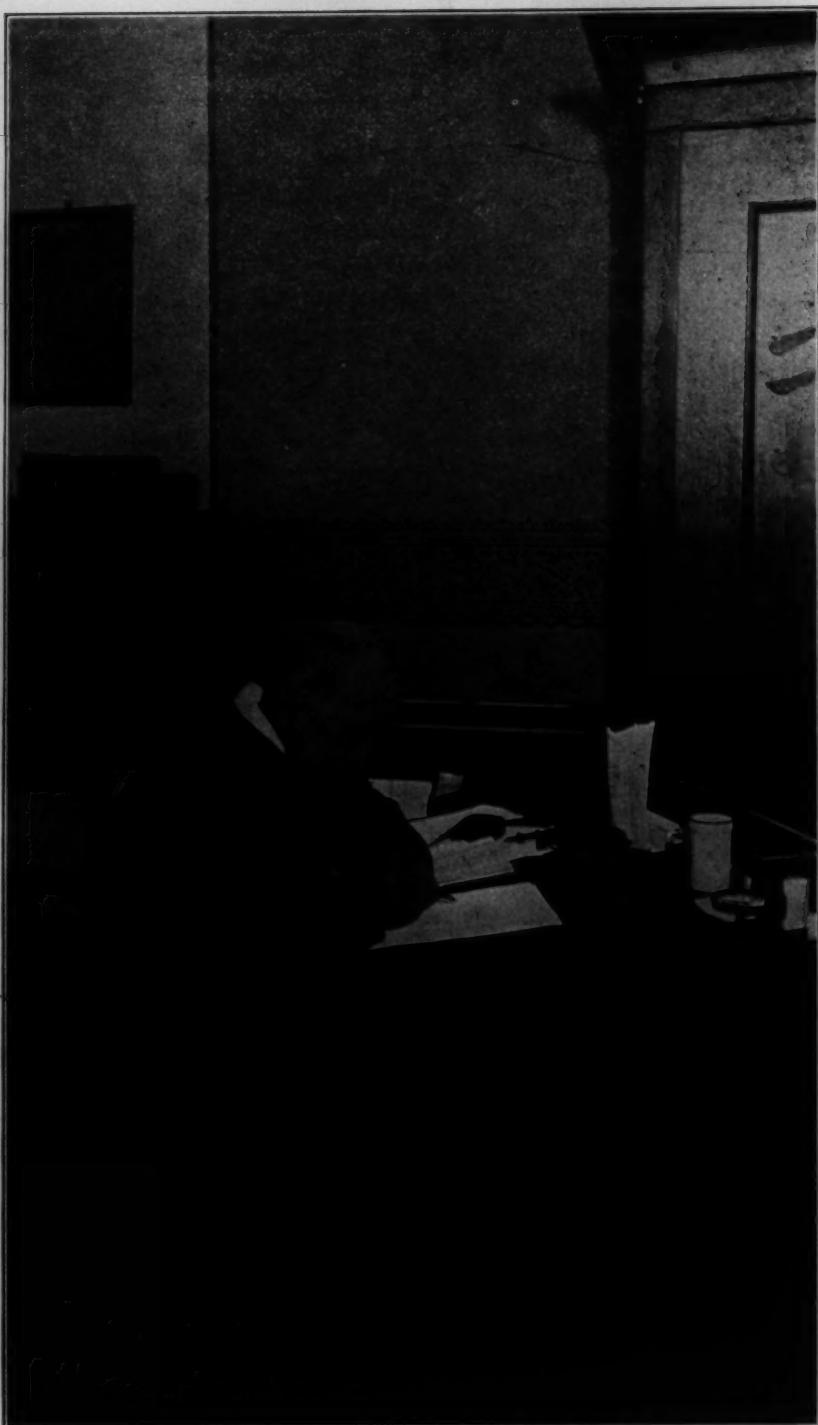
The year 1826 wrote the final chapter in the life of the College of New Orleans. Of the few who mourned its passing, the most vocal were its creditors. The central and primary schools were to carry on its work even more effectively. The college was an experiment—one of the many which appeared during the early national period of America. It will live in history not because of the excellence or unusual character of its instruction, nor because of the number or distinction of its graduates, but because of the idea behind it. The fifteen-year struggle to maintain an existence kept the issue of public education almost constantly before the people. It is notable that a portion of the Latin element was won over to its support. The struggle carried public education in New Orleans through its birth-throes.

⁷⁴Fay, *History of Education in Louisiana*, p. 37, Quotation from Gayarre's *Aubert Duboyet*, p. 7, *et seq.*

⁷⁵Act of March 31, 1826. Also *Advertiser*, Feb. 16, 1826.

⁷⁶Recueil de lois et Règlemens concernnant L'instruction Publique depuis L'edit de Henri IV, en 1598 jusq' à ce jour, Vol. I, Paris, 1814, pp. 37-41; 46-49.





The last photograph of Charles Gayarré.

A LAST EVENING WITH JUDGE GAYARRE

A Contemporary Memo of a Last Talk with the Louisiana Historian Shortly Before the Latter's Death in December, 1924

By Frank D. Richardson

EDITOR'S NOTE: The writer of this paper was socially intimate with Mr. Gayarré, one of his old age chums and himself an elderly man. His last visit to the historian was made in the year of his death and when that event happened, Mr. Richardson made notes of his conversation with the historian on the last evening they spent together. This he sent to Miss Grace King, who has preserved it and has kindly consented to its publication in the *Quarterly*. Mr. Richardson has long since passed away and the paper consequently has a curious and double interest, preserving as it does an intimacy of two old men and showing their joint interest in matters political and literary, and indicating that like very old men, Mr. Gayarré's memory in his last years reverted to the incidents of a younger period in his life and that his visitor was conscious that its personal character might be of service to posterity. We feel that in preserving it in print, we are doing what Mr. Richardson intended should be done with it.—H. P. D.

Now that the greatest Louisiana literary light has been extinguished by the cold hand of death, fresh interest is felt in all concerning him. The life and character of such a man, becomes the legal inheritance of those he has left behind him. This fact in connection with his great age, induced me the night after our last interview to take copious notes of it (December 8, 1894) and is now here given as near as possible.

For many winters past 207 N. Prier Street, New Orleans, had been to me a pleasant calling place. This evening he answered his door bell in person. He said "Ah! You find me alone. My wife has gone up to Canal Street on business and even the old servant has gone out somewhere. But it is all right for we can have a good time all to ourselves."

Seated very comfortably in his famous little library parlor the usual conventional greetings were soon over. Seriously, however, we started in over his eye trouble. He said the oculist told him the cataract might be ripe next week and "suppose I have it taken off then and should die next day or next week or very

soon. Don't you know I have been expecting death for the last twenty years, then after all that, cutting and tearing my eyes to pieces. Ah, I don't know what to do for the best."

"But, Judge," I said, "now listen, you have a fair fighting chance for some years yet. You are looking better than you did a year ago; think of total blindness, the guarantee of the oculist, and what a blessing it will be to your wife who has now to read to you."

"Yes, yes," he said, "there you have it, for her sake I ought to do it. I must do it. I will do it. No one can ever know what she has been to me all these years." Here followed a tribute to a faithful, loving wife, in his own strong, peculiar words, which no pen can truly give, for his tone and emphasis would not be there.

"I am glad to find you in so much better spirits than when we parted last year."

"Yes," he replied, "I have nothing to bother me now, but this eye trouble. I am very comfortable."

"Has there been any change in your social life and who are your visitors now?"

"Ah, very few. My same old friends. You know them—will never leave me; then strangers—often foreigners—come around to see me, like an old curiosity shop. Not much pleasure in that to us, but we try to make it pleasant to them. Then the Archbishop comes around once a month and gives me much good advice. Then, too, Dr. Palmer calls to see Mrs. Gayarré about as often, so between the two we have very pleasant evenings."

Here he lapsed into a sort of semi-soliloquy on the comforts of religion, especially to the old. "What," said he, "would you and I be without it now? And yet Voltaire thought he had some of it in his strange belief. It looks like he was honest. See that church he built and how smart he was to get it blest by the Pope—seems to me all denominations of Christians are too hard down on him. Of course he was an infidel, but he had no patience with an atheist. On one occasion several of his literary visitors were boasting of their freedom from the miserable, troublesome idea of a devil and a hell. He said to them, 'Stop, gentlemen, if you please. If these are your real sentiments let me ask you to use the Latin language. All my servants understand French and if they believe what you say there won't be a spoon in my house in a month.' But for a man of such a mind to believe in God

without a revelation to those he has created is beyond my comprehension. It would leave us all in the dark."

In 1850 we were much together at Baton Rouge and in a running back over events there, I found his memory simply wonderful. In that famous session of the State Legislature, as secretary of state, his influence was very strong. He said, "You Whigs did bother us terribly about mounting General Jackson on his statue. You remember how furious General Augustin was about it."

I said that Chalmette monument was a fortunate compromise. "Yes," said he, "I have always been a Democrat and yet I yield to no man in my admiration of Henry Clay. Sorry to see all this trouble here now about his statue. Still moving the hearts of the people."

"You must have seen much of him the winter he was on the Teche at Judge Porter's."

"Yes, I met him often; he took great interest in sugar-making and learned to take off a strike. On one occasion quite a number of visitors in the parlor were looking over some old 'torture books.' One poor fellow was suspended in the center of a large room by outstretched arms from the walls while a fiend every now and then was pricking him with a hot iron. Mr. Clay looked at it for a while and handed it to the judge and said, 'Now suppose that was you there, what would you do?' 'Well,' he said, 'I would say this: Now, gentlemen, just put me down on the floor and tell me what you want me to say and you shall have it word for word.' 'No you wouldn't do any such thing,' said Mr. Clay. 'Like your ancestors, you would defy them to the last.' 'I am willing to take your word for it,' said the judge, 'but hope they won't worry me.' "

Judge Gayarré now had Mr. Clay fairly on the brain and he was there to stay for a while.

He said, "Ah. I shall never forget my first visit to him. It was on my way home after leaving college. After reading my strong letters of introduction, the grasp of his hand was that of an old friend and as long as he lived it was always the same. I remained at his beautiful home a week and was made to feel it all like my own.

"Sitting beside him in his parlor at parting he said, 'Well, my young friend, what are you going to do with yourself after you get back to Louisiana?' My reply was, 'My ancestors have made it unnecessary for me to work for a living, but as I don't

like the idea of rusting out, I will put out my legal shingle and try to get some of the money back my profession has cost me. And then, too, in the course of time who knows but that my fellow citizens may put me in a way to follow your illustrious footprints at a long distance.'

"All at once a shadow passed over his genial face and he said very earnestly, 'Don't let your mind take that direction. You speak of my success and maybe I have about as much of it as often falls to an American citizen, so ought to be able to give some good advice. Now listen to me, don't do it. Anything else but that. Make up your mind to be a dog, an honest dog, rather than a politician. But for this I might have been a happy man. To be suspected of everything mean and in turn having to suspect often your best friend. Never think of it.' And this advice has been my guiding star, though I have been called on to serve my country in many ways.

"Did you ever hear," said the judge, "what Mr. Clay called his best joke on Judge Porter?" "Don't remember. What was it?" "Well, while crossing the Alleghanies in the early thirties on their way to Washington, the stage coach broke down and they walked on ahead to wait for it. A mile or two brought them to a farm house where they asked leave to rest a while and received a very cordial welcome from the lady. After chatting some time with their delightful entertainer, a rough-looking negro entered the room and, taking no notice of the two strangers, said, 'Mary Ann, where's my pipe?' She pointed to the mantelpiece, and he took it and walked out. An awful silence followed for some time, till Judge Porter could hold in no longer. 'Madame,' said he, 'won't you please tell me who and what that man is who came in here just now?' With violent confusion, said, 'Am sorry you asked me, sir, but he is my husband.' 'Oh, is it possible?' said the judge. She tried to hide her almost tears. Said, 'I know it is terrible, but I couldn't help it. Our family was so unfortunate. I had no home and this was my only chance. I have a sister who had to do even worse than I did.' 'Oh! How can that be possible?' asked the judge of the Supreme Court. 'There it is again,' said she, 'and I am ashamed to tell you, but as you insist on knowing—she married an Irishman!' Clay fairly whooped and for once Porter lost his Irish wit. Just then their stage drove up."

From the gay to the grave Judge Gayarré could glide like a smooth running stream. Soon we were going over our old

lives with their lights and shadows—so much to be thankful for, both of us.

Soon he was in the midst of a dream contest between a learned rabbi and a distinguished D.D. Both dreamed themselves into Heaven, but inside the pearly gates, all saw things with their own peculiar eyes, so no one could recognize it as the same place. But of this I have lost some of the links; maybe, however, the chain is already long enough.

The evening was closing in and I was obliged to forego the pleasure of remaining until Madame Gayarré returned, little dreaming it was our last meeting on earth. Congratulating me on the prospective pleasure of a visit to relatives and friends in the Teche country, we planned to meet again in the spring. Over there came one of his beautiful characteristic letters, which made his death quite a surprise to me. "Au revoir."

He has left behind him a legacy to his friends in her, who, through storm and sunshine, has helped him to gather the literary laurels now the pride and boast of Louisiana. In time the State may perpetuate his memory but will hardly honor him as he has honored her.



EDITOR'S CHAIR

By Henry P. Dart

THE WORK OF
THE QUARTERLY
IN 1930

It was once the habit of this department to devote the January editorial to a review of the work of the Quarterly in the preceding year. The pressure of other matters seemed to require this space, and the annual review was allowed to lapse. Our readers have reacted in friendly but earnest fashion against this and perhaps their view is correct, and we should pause at the beginning of the new year to recall the accomplishments of the old, and to indicate something of the work still before us.

The year 1930 was a very active, vivid period in the Quarterly's life. It resulted in the accumulation and preservation of much valuable material for the future historian of Louisiana. It would be invidious to segregate these contributions, and rank any particular one above the other, for individual interests and tastes create different points of view, and it would never do to disturb the preferences and tastes of our readers on such an issue.

We believe, however, there will be no general dissent from the proposition that Professor Greer's history of *Politics in Louisiana* was an outstanding paper, the value of which will increase rather than diminish as time goes on. This publication began in the number for July, 1929, and has filled a large space in each succeeding issue, ending in October, 1930. It seems certain that Mr. Greer's *History of Politics in Louisiana from 1845 to 1860*, will long remain the standard source to which all students must turn, for he has assembled impartially the material for the study of this feature of life in antebellum Louisiana.

While Greer's history covers a wide field it was not the first study of the subject published in our pages. *The Elections of 1860* by Mary Lilla McClure (Louisiana Historical Quarterly, IX, 600-702, October, 1926) broke new ground in a brochure that excited universal attention and brought reputation to the author. It was a sound, discriminating review of the politics of Louisiana prior to and including the elections of 1860. This work is in every respect a companion piece to Greer's history and should be consulted as an authority of equal weight. It carries besides an

appendix preserving many unique and valuable contemporary reports, extracts and things of like import that are labor savers, and enable the reader to pass his own judgment on the issues there under discussion. We also published still earlier, Mr. John S. Kendall's *The Municipal Elections of 1858* (La. Hist. Qy., V, 357-376, July, 1922), a splendid review of the political conditions of that year, and a landmark in the new school of historical composition. The Quarterly has thus in 1930 completed a trilogy on Louisiana politics prior to 1860 that would seem to leave nothing further to be added except the final compression of the subject into that page of the new history of Louisiana that must some day rise out of the work of the Quarterly during the past thirteen years.

The remarkable series of *Letters and papers of Gov. Thomas O. Moore*, prepared under the editorial care of Mr. G. P. Whittington, is another feature of last year's volume. Gov. Moore was one of the leaders in the movement to take Louisiana out of the Union in 1860-1. Indeed, if any one man may be said to have been responsible for that disaster it was the Governor, who by reason of his office, had peculiar opportunities to lead or head off the tide of Secession; but he was not alone in his beliefs or acting solely under his own impulse. The situation was such that he had either to lead the movement or be swamped in the onrush. History has been enriched by these letters, in which disappointment, regret and suffering are vividly delineated. The gradual disillusionment of this brave, strong, patriotic citizen and the tragic ending of his political career evokes all the elements of a tragedy, that rouses the sympathy of the reader.

On somewhat similar lines we find in Mr. Lafargue's *Manuscript of Gen. Richard Taylor's "Destruction and Reconstruction"*, a sympathetic review of the war-time career of another Louisianian whose activities in the field conferred distinction on the soldiers of Louisiana in Virginia and in Louisiana, and from this we pass naturally to Mrs. Manie White Johnson's account of the tragedy which she calls the *Colfax Riot of April, 1873*, a story built up out of the memories of survivors of the affair, and the various reports of investigations by Congressional Committees. It is a memorable, if horrible story, recalling the passions of an equally horrible period in the life of the State under the misgovernment of Reconstruction. In somewhat softer colors we have the *Reminiscences of a Louisiana Girlhood*, by Mrs.

Lucy Paxton Scarborough, who as a child during the Civil War, grew up with the pity and the hardship that surrounded the lives of the young people who lived through the war without appreciating what that period meant to the men and the women who survived and who had to build their lives anew in strange and apparently incorrectible surroundings. Mrs. Helen Spann Murphy and Mrs. Annie Sanderson Kilbourne also wrote graceful reminiscences of the war period, and the intriguing title of Mrs. Murphy's essay, *The Souls of Old Houses*, is one that will resound in other hearts for all of us have had somewhat similar experiences in our lives.

We have little space left to recount the other valuable and entertaining contributions to the Quarterly in 1930, but we should not close without a reference to the work which with deference to all other writings lies at the base of all the purposes of the Quarterly, the revivification and perpetuation of our French and Spanish Colonial records. This purpose has been upheld in special papers, such as Mr. Scramuzza's *Galveztown*, and papers illustrating features of the judicial procedure of that era. The prosecution and Trial of LaRue before the Superior Council in 1747, (July, 1930) affords us a view of the Superior Council in session and preserves a complete file of a criminal trial. The historical value of this material is apparent. Professor Ditchey's lucid translation of the Early Census Tables of Louisiana (1706-1722) is another document of great interest to the historian.

The Editor of the Quarterly has more than once called attention to the steady advance of the Index to the Records of the Superior Council and the similar Index to the Spanish Judicial Records of Louisiana. These enormous tasks conducted respectively by Heloise H. Cruzat and Laura L. Porteous have resulted in a body of Colonial material unsurpassed in the history of any of the Commonwealths. Here in the judgment of the Editor, lies a mine that will be exploited by writers for years to come. Indeed, we might well say that the Indices are inexhaustible, for they cover and describe every phase of life in Louisiana during the French and Spanish eras. We have crossed the middle period of each era and are approaching a time when the series will become even more valuable. When this work is concluded we will have preserved in sufficient printed detail the social, economic and judicial history of Louisiana from 1717 to 1803. We

are pushing the completion of this gigantic task as fast as we can, believing that this material insures the vitality and usefulness of the Quarterly for a time not now within the horoscope of our readers. This work is in effect timeless; though treating of a time and place, it is by its nature intended for all time. The reader should not miss these instalments whereby he may visualize the labors of these two workers toiling in the records of our ancient civilization, each day a replica of the preceding and succeeding one, but each producing its proportion of a massive whole.

As to 1931, the Quarterly has in hand more than enough material for the four numbers. These unpublished manuscripts are of like high quality with 1930. Perhaps they are even more important than all that has gone before, because the Quarterly has no fixed horizon and each year extends the vista. The content of each recurring issue of 1931 has been plotted, ready for the printer, who has so efficiently labored to bring us up to date and whose format is a pleasure to the eye. But the Editor is a miser, hoarding his accumulations and still grasping for more. Busy pens are at work on allotted tasks and no matter how the succeeding issues are arranged in advance, the door is always left open for the substitution of the expected or unexpected contribution, that must be welcomed to a place in the Quarterly. Its printed pages are the Hall of Fame of Louisiana, and the distinguished company there assembled knows neither malice nor envy, and like them, the Quarterly's sympathies are as wide as the inexhaustible story of the History of Louisiana to which it is dedicated.



✓RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
XLIX.

March-May, 1745.

(Continued from October, 1930.)

By HELOISE H. CRUZAT.

Marginal Notes By Henry P. Dart.

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

de Vaudreuil, Pierre Rigaud Cavagnol, Governor	Prat, Jean, Councillor LeBretton, Louis Cesaire, Councillor Assessor
Le Normant, Sebastian François Ange, First Judge and Commissaire Ordonnateur	Cantrelle, Jacques, an employee
Fleuriau, François, Procureur General	Descloseaux, Jean Baptiste Claude Bobe, Commissioner of the Marine and Judge at Mobile
Henry, Nicolas, Clerk of the Superior Council and Notary	Hierle, Francois, Sheriff at Mobile
de Noyan, Gilles Augustin Payen, Lieutenant of the King	Melisan, Francois, Clerk of Court and Notary at Mobile
Chantalou, Augustin, Sheriff Lenormand, Marin, Deputy Sheriff	Bernoudy, François Coezard, Acting as Clerk at Mobile
De Benac, Etienne, Town Major of New Orleans	Potin, Bernard Louis, Notary at Pointe Coupée
Fazende, Jacques, Councillor	de Chanfret, Trenaunay, Commandant at Pointe Coupée
Raguet, Jean Baptiste, Councillor	
Lafreniere, Nicolas Chauvin de, Councillor	

March 2, 1745.

2½ pp.

Contract between the owner of a plantation and a carpenter, where the latter agrees to furnish his labor on a house to be built by the owner, and thereafter to live on the plantation for five years, to cultivate it, and to divide the profits of the same.

Articles of Partnership between Barbin and Lemoine passed before Henry, notary, between Sr. Nicolas Godefroy Barbin, Attorney of Vacant Estates, Guardian of the King's store at the Balize and owner of a plantation situated a league and a half above New Orleans, on the same side, adjoining Sr. Tisserant, on one side and Sr. Broutin on the other, and Sr. Charles Lemoine, carpenter cabinet

maker of this Colony, who agrees to live on the said plantation during five years, to do all carpenter work on the house which Sr. Barbin intends to have built on his land following an agreement with Father Mathias (full description of building and work thereon, of lumber to be used) Sr. Barbin to furnish provisions for slaves and cattle. The said Barbin to receive one-third of the produce as well as one-third of the cattle, and their offspring, beginning on the first of next May. Division to be made when partnership is dissolved after inventory. The plantation is to be worked at expense of both partners, Sr. Barbin furnishing three negroes to work on buildnigs and to be solely under Mr. Lemoine's orders, Sr. Barbin reserving to his use a negro, a negress and an Indian family, the other slaves being destined to work the land. Every detail of work and division is fully explained, tools needed, etc. Original signed by Augustin Chantalou, Jacques Cantrelle, as witnesses. Lemoine, Barbin, Henry, notary.

This notarial copy is in fine Sorbonne script.

March 2.

(26522) fo. 27.
6½ pp.

Original Act of Partnership between

Nicolas Godefroy Barbin and Charles
Lemoine, identical with the preceding
document except in the script.

Signed: Le Moine. Barbin. Chantalou.
Cantrelle. Henry, notary.

March 2.

(25227) fo. 27.
No. 1. E. 1½ pp.

List of notes paid by a
succession.

Inventory of notes of succession of deceased Sr. Millon, which were paid since his death, amounting to 2685 livres. Collected with said receipt by the undersigned notary Sr. des. Ruisseaux, acting for heirs.

Signed: Henry, Greffier.

March 3.

2 pp. copy.

Return on citation in suit
by Du Breuil against
Daunoy.

Notice of citation served on Sr. Daunoy on petition of Sr. Claude Joseph Du Breuil Villars, contractor of fortifications and buildings for the King, delivered at his domicile to Madelon, his slave, who promised to remit it. (See March 8, for another citation.)

Signed: Lenormand.

Defense of Daunoy.

March 3. Protest by Sr. Daunoy that his note was paid in the sum of 1180 livres, handed Sr. Villars, that the corn he contracted for Sr. Du Breuil sold to others, of which declaration and protest Sr. Daunoy demands certification.

Signed: Daunoy.

Counter citation to plaintiff
therein.

March 3. Notice of citation served on Sr. Du Breuil on petition of Sr. Daunoy and copy of said petition left with notice by Sheriff Lenormand.

March 3.

4 pp.

Suit in behalf of George Defontaine (now deceased) to recover sum due him for service as Director of the Concession of Le Blanc and others now represented by Assailly and Daunoy, purchasers of said plantation.

Petition to Superior Council by Francois Jahan, acting under procuration of heirs of St. George Defontaine, when living, Director of concessions of My Lord Le Blanc and Associates, represented by MM. Assailly and Daunoy, purchasers of said concessions, for payment of 8724 livres, 2 sols, 9 deniers, due to said deceased according to account rendered, and costs.

Jahan's petition states the conditions agreed on when George Defontaine was sent to New Orleans as Director of the concessions of Monseigneur Le Blanc and associates at a salary of 2500 livres per year; promise made of a half year salary in case of death in the service, if he left or was replaced for passage for himself, his wife and children and if he preferred to remain in the Colony, a concession of 100 arpents of land with an advance of 1200 livres to help him to establish himself. Jahan alleges the injustice done his principal by de Pauger without any cause, right or authority, comments on the latter's arbitrary character and dwells on the justice of Defontaine's claim.

Account annexed dated February 12, 1726, of administration of Sr. Defontaine from March 30, 1720, to September 9, 1724, amounting to 8724 lbs., 2. 9.

May 3, 1745. Certification of the above account as true by Francois Jahan.

May 3, 1745. Notice of citation served on Sr. Prevost by Sheriff Lenormand on petition of Francois Jahan, acting under procuration of heirs of St. Defontaine, and copy of said petition left with him. (See March 8th.)

Declaration of Sr. Prevost that he is acting under procuration of MM. Assailly and Daunoy.

Signed: Prevost. Lenormand.

**March 4.
(25362)** 1 p.

Procuration.

Sr. J. Deruisseaux empowers Daniel La Croix to act in his name during his absence in all that concerns his interest, to collect from Sr. Cartier 120 piastres, from

Sr. Dupré, 650 livres, for a family of negroes hired by him, also the sums due on two notes that the Spaniards owe in piastres, the money thereof to be remitted to Sr. Ancelain, merchant on his receipt; moreover, I wish him to act in my name to settle with Sr. Ancelain for what I sent him from Illinois.

J. Deruisseaux.

March 4.
4 pp.

*Inventory of the estate of
Etienne Gosserand of
Pointe Coupée.*

Inventory of Goods of succession of Etienne Gosserand, deceased Feb. 10, 1745, on request of Charlotte Aufroy, his wife, belonging to the community which existed between them. Inventory and description of goods was made by Bernard Louis

Potin, acting as Clerk of Court (Greffier), in the presence of Trenaunay de Chanfret, subdelegate in the Pointe Coupée and of MM. Pierre Germain special tutor of the four minor heirs, Antoine Meuillion, Jean Suderik, Jean Baptiste Brouillard and Guillaume Lemoine, called Le Normand. Inventory covers three pages; movables, slaves and cattle being appraised at two thousand six hundred and sixty livres, said movables, slaves and cattle remaining in care of the widow as tutrix of her children, which she promises to produce when ordered to do so.

Signed: Jean Sudrik. Meuillion. Louis bouchard.

March 4.
1½ pp.

*Family meeting in behalf of
Gosserand's minor children
to elect tutor and special
tutor.*

Meeting of relatives and friends of Gosserand minors for election of tutor and under tutor to said minors before Sr. Trenaunay Chanfret at Pointe Coupée, Charlotte Aufroy. The Widow Gosserand is elected tutrix of her minor children and Sr. Pierre Germain special tutor, which charge they voluntarily accepted and took the customary oath.

Signed: Jean Sudry. Louis bouchard. Trenaunay Chanfret. Potin, Greffier.

March 6.
7 pp.

*Judgments of Superior
Council.*

Ruellan, wife of de
Membrède vs. her husband.

Session of the Superior Council of March 6, 1745. Were present Mr. Lenormand, First Councillor; de Benac, Major; Raquet and Prat, Councillors; and Le Bretton, Assessor.

1. Between Françoise Ruellan, widow of Gerard Pellerin, plaintiff vs. Captain de Membrède, her husband, for separation of community and from bed and board. Council orders that decree of last December 23rd be communicated to Procureur General of the King and his conclusions thereon deposited as complaint with the petition of plaintiff exposing insult and abuse with bruises on face and body due to blows from her husband's fists, corroborated by Sr. Prat, surgeon of the King and other witness, wherefore investigation. Judgment rendered in favor of plaintiff who is placed under guard of the King and Sr. Jean Baptiste de Membrède cited by Sheriff Lenormand (illegible, document being worm eaten through the seven pages.)

Provenche vs. Carriere.

2. Between Jean Baptiste Provenché, plaintiff, vs. Joseph Carriere, defendant. Council having examined petition complaining against Mon-brun, son of Joseph Carriere, who killed one of plaintiff's dogs and threatened to kill them all, has warned Joseph Carriere to prevent his son from repeating the offense and thrown the case out of court; costs compensated.

Roy vs. Prevost.

3. Between Charles Roy, plaintiff, vs. Jean Baptiste Prevost, defendant, under procurement of Gaune de Montlouis. Plaintiff demands time to present a civil petition. Council grants demand and decides that this present be considered as civil petition.

Jourdain vs. Barbin.

4. Thomas Jourdain as husband of Laurence Becquet, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Becquet. Council has dismissed the parties. (See settlement March 8, No. 2989.)

Voisin vs. Saucier.

5. Between Sr. Pierre Voisin, plaintiff, vs. Sr. Saucier, defendant. Council orders defendant to be cited again before Council at its next session. Costs pending.

Voisin vs. Grosset.

6. Between Sr. Pierre Voisin, plaintiff, vs. Sr. Pierre Grosset, called St. Pierre, defendant. Council orders defendant to pay sum of 300 livres and costs.

Cariton vs. Carriere.

7. Between Sr. Cariton, plaintiff, vs. Sr. André Carriere, defendant. Council renders judgment in default against defendant and orders that he be cited again. Costs pending.

Voisin vs. Chaperon.

8. Between Pierre Voisin, plaintiff, vs. Joseph Chaperon, defendant, as tutor of Larche minor. Council orders execution of order of August 27, 1732, to furnish 1200 L. of bricks and that plaintiff pay 450 L. to Sr. Voisin as due.

Champagne vs. Reynault.

9. Between Jean Baptiste Champagne vs. Claude Reynault, called Avignon, acting under procurement of Jean Baptiste Gauvain. Judgment to execute decree of February 6th, examination to be made of repairs needed on said house which is leased for three years. Council with consent of both parties has annulled the agreement between Champagne and Gauvain. (Document stained and worm eaten.)

March 8.
2 pp. N. P.

See March 3 for previous entries.

Notice of citation served on Sr. Daunoy, proprietor of d'Asfeld concession on petition of Sr. Claude Joseph DuBreuil Villars and copy of petition left with him by Sheriff Lenormand.

March 8.
(26530)
fo. 27. 1 p.

Notice of runaway slave.

Declaration in Registry by Sr. Gabriel Joseph Dubois, merchant of New Orleans, that a negress owned by him, named Yacine, has run away since six or seven days, and he prays that she be apprehended and dealt with according to justice.

Signed: Dubois.

March 8.
(26531) fo. 27.
(2989) 2 pp.

Receipt by Jourdain and wife to Attorney for Vacant Estates in settlement of succession of Sieur Becquet of Pointe Coupée.

Receipt to Sr. Henry by Thomas, called Jourdain and his wife, previously Widow Becquet, for the sum of 7708 livres, 15 sols, in colonial money from Sr. Barbin, Attorney of Vacant Estates, which sum was reduced following the King's ordinance to that of 3083 livres, 10 sols, with the inventories made at the time of Sr.

Becquet's decease at Pointe Coupée, the proces verbal of sale made at Pointe Coupée, a receipt of Sr. Jourdain for 8067 livres and other notes payable to Sr. Barbin by Sieur Trenaunay Chanfret, subdelegate of Mr. Le Normant in said place, Jourdain and his wife give full discharge to Sieur Barbin. Jourdain and his wife have declared that they could not write nor sign wherefore inquiry as per ordinance.

Signed: Sevet. Chantalou. Henry, notary.

Document charred in several places.

March 11.
(26533) fo. 27.
(3990) 2 pp.

Sale of a family of negroes and one other negro for 5000 livres.

nantes) payable on conditions and terms, a part paid cash and Sr. Dubois promising to pay the remaining 3000 livres in current money of France in three years, furnishing mortgage security on his movables and immovables, particularly on the said slaves.

Signed: De Diederich. Dubois. Chantalou. Cantrelle. Henry, notary..

Sale of a family of negroes and one negro, piece d'Inde, by Sr. Alexis Diederich, officer of the Swiss Regiment of Karrer, to Gabriel Joseph Dubois, said slaves bought from Dausseville succession by Diederich, last February 10th. Price five thousand livres in specie (pieces son-

March 9.

Slip.

(Copy of note).

Copy of a note made by Chvr. Grenier in favor of Miss Millon, good for 96 piastres, payable on return of Miss Millon from her voyage.

March 12.

(26535) fo. 27.

(2991) 1½ pp.

Sale of a young negress named Ursule.

By Charles Egron to Sr. Jullien Ruellan for 750 livres, paid cash.

Signed: Charle Egron. Dusigne. Chantalou. Henry, notary.

March 14.

(26537) fo. 27.

(3992) 1 p.

Notice to Council of loss of a note.

Declaration in Registry of Superior Council by Jacob Suible, resident of the German Coast, of having lost on the Levee a note for thirty-five piastres and a half, a few hours after he had presented it to Sr. Volant who had asked him to wait a few hours for payment.

Signed: Zacob Zilbi. Henry, Greffier.

March 15.

fo. 27. 3½ pp.

Procuration by two nuns in France in reference to the succession of DeFontaine.

of his decease administering the concessions of Le Blanc, d'Asfeld and Associates. Signatures too badly worm eaten.

Procuration submitted and approved May 30, 1743, at Chalons by Peclennalin.

Aug. 7, 1742. Certificate that Elizabeth Charlotte De fontaine and her sister Madame Marie Jeanne Faguier, entered the convent April 23, 1741, and took the habit as novices the same year. Signed: J. pontin.

Augustin Colloz, keeper of the seals, in certification of the truth of the foregoing documents has affixed the seal of the sovereign court of Bouillon.

Signed: Augustin Colloz.

Document worm eaten through the center.

March 15.

(26538) fo. 27.

(3993) ½ p.

Notice of runaway slaves.

he did not report as he is continually around the city and he hoped that from one day to the next he would be apprehended. He prays that they be punished as the case demands.

Signed: Cantrelle. Henry, Greffier.

Declaration in Registry of Superior Council signed by Jacques Cantrelle that a slave named Dessy and his wife Therese ran away a few days ago, that another slave Scipion, ran away April 12, 1744, which

Scipion, ran away April 12, 1744, which

March 15.
(26539) fo. 27.
(3994) 1 p.

*Application to the Council
for prosecution of a slave
for brutally beating
another slave.*

negro that his teeth were loosened and his head almost broken, and as he was bled twice and is in danger of death, he invokes the aid of the Procureur General of the King for the vindication of public justice. Chaperon declared that he could not sign nor write; document is certified by Henry, Greffier.

March 15.
(26542) fo. 27.
Slip.
(Receipt for money).

Receipt to Henry, Clerk of Council by Laurent Lerable for payment of 705 livres, 15 sols, with 89 livres, 5 sols and other debts amounting in all to the sum of 1795 livres, for which said Lerable gives full discharge.

March 16.
1½ p.
*Letter from Belize by Capt.
Grenier regarding voyage
he is making.*

had placed at the Governor's to whom he delivered the key of the chest; has also carried the laces with him, de Livauday has promised from time to time to visit. Hopes on his return to find them all in good health.

March 20.
1½ pp.
*Suit to compel defendant
at the German Coast to
return corn in grain and
beans in fulfillment of
his agreement.*

Petition to Superior Council by Jean Prat, Councillor and Physician of the King, for citation of one Salgout, called Beaumont, resident of the German Coast, to compel him to remit 141 barrels of corn in grain and 12 barrels of beans as per note of last Oct. 8th.

Signed: Prat.

Citation issued for next session of Council.

Signed: Raguet.

March 21, 1745. Notice served on Salgout, called Beaumont on petition of Sr. Prat by Sheriff Lenormand.

March 22.
*Dubois sues Carriere
for 211 livres.*

Petition to Superior Council by Gabriel Joseph Dubois, for citation of André Carriere for recovery of 211 livres, due since last August.

Signed: Dubois.

Permit to cite for next session of the Council.

Signed: Raguet.

Notice served on Sr. André Carriere personally at his domicile in New Orleans by Sheriff Lenormand.

March 22.
2½ pp.

Suit for debt arising out
of trade in the Attakapas
and Opelousas.

Petition to Superior Council by Remy Pasquet for recovery of debts due by Srs. Fabry and Blanpain covering trade in the Attakapas and Opelousas, for salaries, he prays for citation of Fabry and Blanpain.

Signed: MentZinge. Pour Remy mon Bon ferrer.
Citation issued by Raguet, March 22, 1745.

March 24. Notice of citation served on Sr. Remy Pasquet, resident of New Orleans, at his domicile, and on Sr. Fabry, Secretary of the Marine by Sheriff Lenormand.

March 23.
3 pp.

Account of expenditures
on a house.

Description of furnishings that went into building of house of Widow François, now wife of Sr. Livet and appraisement of same, amounting to 2652 livres, 1 sol, 5 deniers.

Signed: Deverges.

All the upper portion of document worm eaten.

March 26.
2 pp.

Suit against a ship chandler of La Rochelle based on rumor he has failed. A resident of N. O., is garnished.

Petition to Superior Council by Guillaume Loquet de La Pommerais for recovery of a sum of 200 livres, due by Sr. Bourgine, ship chandler of La Rochelle, which sum was sent to him by Sr. de la Pommerais in a bill of exchange and as he has heard by public rumor that the debtor has failed

and that he has funds in possession of Sr. La Brosse, his commissioner, he prays for seizure of these funds until payment of his debt, interest, costs and expense.

Signed: DeLaPommerais.

Citation issued March 24, 1745 by Le Normand.

March 26, 1745. Notice of citation before Council at its next session served on Sr. La Brosse on petition of Sr. Guillaume Loquet de la Pommerais, by Sheriff Lenormand.

March 29.
2½ pp.

Report of Deverges on extent and value of work of Jaureguibery on the Livet house.

Measurement and Appraisement of work of Sr. St. Martin Jaureguibery made by Sr. Duvergier (Deverges) engineer of the King, amounting to the sum of 2650 livres, wherefore Sr. St. Martin prays Council that he be compensated for his expense and time, and that the lot and house be turned over by Sr. and Dame Livet to the builder or sold at auction to the highest bidder.

Signed: St. Martin.

March 30.
2½ pp.

Application of a judgment creditor for execution against the latter on said judgment.

Petition to Superior Council by Joseph Du Breuil, contractor for fortifications and buildings of the King in this Colony, stating that Sr. Daunoy was sentenced by decree hereto annexed to pay petitioner in kind or specie the quantity of 60 quarters of corn or the value thereof in specie at his option which has not been executed notwithstanding prosecutions for that purpose; he therefore prays that Sr. Daunoy be cited in order to enforce execution of said decree and to pay costs.

Signed: DuBreuil.

March 30, 1745. Order for citation of Sr. Daunoy, Signed: Prat.

March 30, 1745. Notice of citation served on Sr. Daunoy, at his domicile in New Orleans, by Sheriff Lenormand.

April 1.
(26552) fo. 27.
(3998) 1 p.

Application to Council for prosecution of a negro slave who murdered his wife.

Declaration before Notary by Sr. Michel Brosset that on the 25th or 26th of last month one of his negro slaves, named Papa, killed his wife, that declarer found her the next morning, 26th of said month, expiring from a blow with an axe, on her head, by her husband, who has not been

heard of since. This negro belonged to Sr. Brosset before marriage with his wife, Widow Burel, and he makes the foregoing declaration in order that this slave be apprehended and punished according to law.

Signed: Brosset.

Certified by Henry, Greffier.

April 3.
(26553) fo. 28.
(3999) 1¾ pp.

Procuration to collect debt in Havana.

Procuration granted by Sr. Gerard Pery to Sr. Bloquin, Consul of France at Havana, to collect from Sr. Labat, merchant of Havana, the amount of an invoice signed: Pierre Labat, of which the principal is 8599 livres, 10 sols, and moreover an-

other sum of 534 livres, as per account of Sr. Pery, certified below the said invoice. Pery empowers said Bloquin to receive all sums due him by Labat, to give receipt and valid discharge for said payment and to demand return of merchandise in kind if not sold, resorting to legal procedure if necessary.

Signed: G. Pery. Chantalou. Cantrelle. Henry, notary.

April 3,
2½ pp.
Suit against Chevalier de Grenier for debt.

Petition to Superior Council by Genevieve Haville and Jean La Croix, residents of New Orleans, for citation of Sr. Hervier, superintendent of cargo for the Chevalier de Gernier (Grenier) to compel him to

pay the sum of 502 piastres and costs for said Grenier.

Signed: Haville. La Croix.

Order of citation signed by Lenormant.

April 3. Notice of citation served on Sr. Hervier at his domicile in New Orleans, on petition of Genevieve Haville and La Croix, by Sheriff Lenormand.

April 3.
No. 1038. 2 pp.

Judgments rendered by
Superior Council.

Pratt vs. Salgout.

Session of the Superior Council of April 3, 1745, where were present: Mr. Lenormant, first Councillor; Raguet, Fazende, Prat and Le Bretton, councillors.

1. Between Sr. Prat, councillor, plaintiff, vs. Etienne Salgout, defendant: Defendant under oath affirms that he has sold no grains since his agreement with plaintiff. Council orders Salgout to abandon the twenty-eight quarts already delivered as indemnity and moreover orders him to pay for the 51 barrels carried in his note of last October 8th on his next crop and to costs.

DuBreuil vs. Daunoy.

2. Between Sr. DuBreuil, plaintiff, vs. Sr. Daunoy, defendant, represent by Sr. Prevost:

Council orders Sr. Daunoy to pay to Sr. Du Breuil the sum of 690 livres for the 60 quarts of corn that the Council appraises at 11 livres, 10 sols the barrel. Costs on Daunoy.

(End of Page 1, signed: Lenormant.)

De la Pommeraye
vs. La Brosse.

3. Between Sr. de la Pommeraye, plaintiff, vs. Sr. La Brosse, Commissioner of Sr. Bourgine, ship chandler of La Rochelle, defendant: Council orders Sr. La Brosse to pay the 200 livres due, Sr. Bourgine to have recourse as he may for what is due him by La Boulaye. Costs on Bourgine.

Jahan, attorney of
Defontaine heirs vs.
Prevost.

4. Sr. Jahan, acting under procuracy of heirs of deceased Defontaine, plaintiff, vs. Sr. Prevost, acting for Sieurs Daunoy and Assailly, defendants: Council orders that decree of March 1, 1738, be executed according to its form and tenor. Costs pending.

Aufrere, curator of
Madam Pery vs. Prevost.

5. Between Sr. Aufrere, as curator of Françoise Aufrere, wife of Gerard Pery, separated in community, plaintiff, vs. Sr. Prevost, acting under procuracy of Jean Jung, creditor. Case adjourned until next session of Council. Costs pending.

Signed: Lenormant.

April 3.
2 pp.

Judgment of Superior
Council. LeRoy vs.
Montlouis, through J. B.
Prevost, agent.

Excerpt from Registers of the Council April 3, 1745. Judgment in case of Charles Le Roy, vs. Jean Baptiste Prevost, acting for Sr. Gaune de Montlouis: The decree of the sixth of last March ordering recourse to civil petition to be served on parties. Sr. Prevost answered that having remitted the funds that he held

for Sr. Gaune de Montlouis and besides not being satisfied with treatment he received from Sr. de Montlouis, he no longer has his affairs in charge and desisting from procuration of said Sr. de Montlouis, he refers Sr. Le Roy directly to him by means of civil petition presented by said Le Roy. The Council without regard to the exception taken by Sr. Prevost orders him to appear before it at its next session.

Signed: By the Council.

April 8, 1745. Notice to appear before Superior Council served on Sr. Prevost, served on him at his domicile with copy of petition of Sr. Charles Le Roy by Sheriff Lenormand.

Document mutilated, stained and charred.

April 3.
1 p. N. P.

Request to Mr. Jahan to appear before Council in his place today in his affair with Mr. Daunoy, in his claim for the grain lent to him by Sr. Du Breuil.

Signed: Du Breuil.

April 3.
2 pp.
(Original doct.)

Judgment of Superior Council. Jahan, agent of heirs of Defontaine vs. Prevost, agent of Assailly and Daunoy.

Excerpt from Registers of Superior Council on date of April 3, 1745. Between Sr. Jahan, acting under procuration of Sr. Antoine Faguier and other burghers of Chalons, in Champagne, France, heirs of Sr. George Defontaine, whilst living Director of the concessions of My Lord Le Blanc and associates in the Colony of

Louisiana, vs. Sr. Prevost, holding procurations of Srs. Assailly and Daunoy, defendants: Council orders Sr. Prevost, defendant, to remit to Sr. Jahan all the accounts, titles and other papers of deceased Sieur Defontaine for the purpose of working on these accounts following a decree rendered March 1, 1738.

By the said decree among other things it was stipulated that the accounts of Sr. Defontaine as Director were fixed, ordered and settled by the managers at the time at the sum of six thousand livres, without ever having been paid; that the said concession since then having been sold to Sieurs Daunoy and Assailly and all the papers and vouchers remitted to them by Sr. Chastant, their administrator, the Council before rendering judgment exacts that all accounts and papers be submitted to the Procureur General of the King, to be ordered what shall appertain considering the procuration of the heirs to Jacques Antoine Faguier passed before notary at Chalons, duly legalized recognizing the said Jahan as their representative. The Council hereby orders that decree of March 1, 1738, be executed. Costs reserved.

Signed: By the Council. Henry, Greffier.

April 8, 1745. Notice to appear before Council, served on Sr. Jahan, holding procuration of Sr. Antoine Faguier, and other heirs of deceased Sr. Defontaine, at his domicile in New Orleans, by Sheriff Lenormand.

Document charred with ragged edges.

Date eaten away. **Decree of Council** in favor of Catherine 1½ pp.

Order of Superior Council
on petition of Catherine
Gourdain for leave to
accept with benefit of
inventory the succession
of La Buissonniere.

being responsible for any debts of the succession until informed of the contents of inventory for which she will furnish security if she accepts said succession.

Signed: By the Council. Le Normant. Henry, Greffier.

Document worm eaten, half of the upper portion missing clear through.

April 5. **Cession** by De Breuil of his land at the (26555) fo. 28. Chapitoulas its dependencies and all (4000) 1¼ pp. buildings thereon to his two sons with Christophe and his wife who live on the

place as guardians; moreover, he gives to Claude his eldest son, Christophe's eldest son, as his servant, ceding it all to them without any reserve whatever to have and possess as their own, promising to have contract passed before notary where and when they demand it. Signed: Du Breuil.

Du Breuil transfers his plantation at the Chapitoulas to his wife and children.

April 7, 1745. Letter addressed to Mr. Henry, Greffier of the Superior Council, signed Du Breuil, informing him that he is sending **contract of sale** his land of the

Brewery, which Mr. de Vaudreuil and Mr. de Salmon gave him in exchange for the Indigo manufactures and buildings which he (DuB.) made on the Governor's plantation. This sale appears to be in good form with all vouchers to maintain it, he hopes that act written by Mr. Raguet's hand will serve as a minute, remaining only to be signed by said Henry, the names of the acquirers which were blank, Du Breuil filled in. He prays to have it put in correct form and to give him a certification (act?) thereof. Mentions that Monsieur Le Normant asks him to cede his land at Chapitoulas to his two sons, which he consented to do, sending him his written desistance of same. He also sends Henry the gracious letter Le Normant wrote giving him advice to make this donation in complete form. Du Breuil says that his only view in life has been to work for his children and that he will keep his word to them. "Not apprehending that a devil of a woman restrain me, even if

mine should eat me up before my death." Begs Mr. Henry to turn over Mr. Le Normand's letter to his sons after he has read it, etc.

Signed: Du Breuil.

April.

(26564) 4 pp.

Invoice of merchandise shipped from St. Malo, per ship La Providence.

Procuration by shipper to Pery to collect the proceeds of the shipment.

Invoice of merchandise shipped by Sr. Goynard, merchant of Saint Malo, in the cargo of the ship La Providence, under Captain de la Roudiniere, "going to the Mississippi and other places."

A collated copy of this invoice and conditions of shipment made by the Royal, Apostolic and hereditary Notaries, established and residing at Saint Malo,

Sr. Goynard has constituted as his attorney Sr. Gerard Pery, whom he empowers to demand of Sr. Peltier, First Lieutenant of La Providence, an account of merchandise mentioned in above invoice, of their sale, as well as of any delays in receiving returns on same, etc.

Signed: Germain Goynard. Gandron, Notary Royal. Quemper, Notary Royal.

Approved by Grouel.

Authenticity certified by Blouin, Councillor and subdelegate of the Admiralty and General Lieutenant of the Criminal Court and the Police at Saint Malo. Dated August 27, 1743.

Seal in red wax.

Receipt by Pery for same and deposit by him of the above papers and the money in the registry of the Council.

March 31, 1745. Acknowledgment by Sr. Gerard Pery that Sr. Le Peltier has rendered account and paid in currency of Spain the sum of 541 livres, 5 sols.

Signed: G. Pery.

April 8, 1745. Deposit in Registry of the Superior Council of above invoice, procuration to Sr. Pery, his acknowledgment of payment of returns on merchandise and demand that said deposit of papers and of specie to the sum of 541 livres, 5 sols be certified.

Signed: Lepeltier. Henry, notary.

April 8.

(26568) (4002)
fo. 28. 1 $\frac{3}{4}$ pp.

Procuration by Prevost, agent of the Company of the Indies to collect a debt due in Cap Francois, Santo Domingo.

Ytier, also merchant of said place, receipts for which Sr. Castanet had in hand, said constituent to have recourse to all

Procuration in blank by Sr. Jean Baptiste Prevost, Agent of the Company of the Indies, to receive sums due him by Sr. Castanet, residing at Cap Francois, Santo Domingo: Forty-five piastres, one fourth in Spanish silver piastres (gourdes) on his note of March 15, 1743; 1600 livres as per account of a sale made by Sr.

legal procedures necessary to recover these funds, this pro-curation to be valid until revocation of same.

Signed: Prevost. Danneville. Chantalou. Henry, notary.

April 12.
(26570) fo. 28.
(4003) 1 p.

Apprenticing of minor
try to learn the trade
of wig-maker.

five years on conditions and clauses enumerated.

Signed: poisat. Chantalou. Cantrelle. Henry, notary.
(Champagne declared that he could not write nor sign.)

April 17.
 $\frac{3}{4}$ p.

Copy of Bill of Lading
for flour issued by Captain
of the St. John the Baptist
at Vera Cruz.

Act of apprenticeship of Pierre Bonvilain,
minor son of Catherine Mouton and Bon-
vilain, both deceased, Jean Baptiste
Champagne, acting for the minor in con-
tract with Isaac Poisat, who agrees to
teach him his trade of wig-maker, during

five years on conditions and clauses enumerated.

Copy of a bill of lading of Don Miguel
Machado of Vera Cruz, Captain of the
brigantine the St. John the Baptist, on
which the flours were shipped by the
Chevalier Grenier, who paid 1051 piastres.

Signed: Miguel Machado.

April 22.
 $\frac{3}{4}$ p.

Copy of appraisement by Engineer de
Verges of house built by St. Martin Jau-
reguyberry for Sr. and Dame Livet, and
of petition by St. Martin that the sum of
1326 livres adjudged by Council be paid
to him.

April 21.
2 pp.

Litigation between de
Louboey, Commandant at
Mobile, and Francois
Melisan, greffier of that
place. The issue is whether
a slave woman exchanged
by Melisan was affected
with epilepsy—a
redhibitory defect.

Petition to Mr. Bobé Descloseaux, Commiss-
ioner of the Marine and ordinary Judge
of the Department of Mobile by Monsieur
de Louboey, Lieutenant of the King for
Louisiana and Commandant in the De-
partment of Mobile, for citation of Val-
entin Canel, Cadet in the troops of this
Colony; and Jacques Valade master
caulker, to be interrogated concerning

the negress named Manon, owned by Madeleine Boyer, who
made an exchange for her with said Louboey, under authority
of her husband, Francois Melisan, clerk of court (greffier) in
the said place. For Manon Mr. de Louboey gave a negress
called Junon, about to have a child with a small negro of two
years. As the negress Manon has epilepsy and Mr. and Mrs.
Melisan refuse to keep their contract, denying a well known
fact, he would wish the two witnesses named to testify under
oath.

Signed: Louboey.

Order that they be cited to testify, on the 22nd inst.

Signed: Descloseaux.

April 21. Notice of citation served on Sr. Valentin Canel and Sr. Jacques Valade, on petition of Sr. de Louboey, by Francois Hierle, "Huissier Royal."

Copy.

The name of Madame St. Hermaine is brought into the case.

April 21. Notice of citation before Mr. Descloseaux, Commissioner of the Marine and Judge at Mobile, served on Sr. Valentin Canel, to appear in the Chamber of Audience, on the 22d inst., to testify concerning the negress named Manon.

Signed Francois Hierle, Royal Crier.

April 21. Notice of citation before Mr. Bobe Descloseaux on the 22d inst., on petition of Mr. de Louboey, to testify concerning the negress Manon.

Signed: Francois Hierle, Royal Crier.

Copy.

No. 1039. 3½ pp.

The witnesses seem to be at great discord on the facts. The judgment rendered by the Superior Council, Judge Bobe Descloseaux sitting with the court ordered Manon to be sequestered during three months in the house of a surgeon for observation. See July 3, No. 2.

April 22. Investigation made on request of Mr. de Louboey, Commandant of the Department of Mobile, concerning an epileptic negress, called Manon whom Sr. and Dame Melisan exchanged with said Louboey for another negress and her children. Sr. Valentin Canel, aged twenty-two, testified that about six months ago on his return from the Choc-taws where he had been sent with letters,

at seven A. M. he heard a scream from the kitchen of Mr. de Louboey and fearing an accident he hurried there to find the negress Manon stretched out on the floor unconscious and several negroes throwing water on her to make her come to, he did not notice if she foamed at the mouth; the same day after dinner the said negress fell again, and that the other slaves placed her on a bed that was in the kitchen, he persisted in this testimony and asked for no pay.

Signed: Canel. Bobé Descloseaux.

Jacques Valade, aged fifty years, testified that last May, one afternoon whilst at his work he found the said Manon, then owned by Sr. Melisan, on the ground unconscious, her hands moving as if in a struggle. He ran to help her but did not notice the negress foaming, he persisted in his testimony but could not sign nor write.

Signed: Bobe Descloseaux. Bernoudy. f Hierle.

April 23. Petition to Mr. Bobe Descloseaux, Commissioner of the Marine and Judge at Mobile by Francois Melisan, Clerk of Court and notary in the same place, acting for Madeleine Boyer, his wife, concerning prosecution by Mr. de Louboey concerning Manon whom he declares is epileptic and should not have been exchanged for negress of Mr. de Louboey and her children. Melisan prays for citation of Mr. St. Jean, Surgeon Major of Mobile and for Sr. Rene, chief steward of

Mr. le Marquis de Vaudreuil, Commandant General of the Province, to testify in case of said Manon.

Signed: Melisan.

Order for the above named witnesses to appear before Mr. Descloseaux on April 24th, to testify in the case.

Signed: Bobé Descloseaux.

1 p. N. P.

April 23. Copy of notice of citation served on negress Manon, on petition of Sr. de Louboey, by Francois Hierle.

"Huissier Royal".

1 p. N. P.

April 23. Copy of notice of citation served on Sr. St. Jean, Chief Surgeon at Mobile, on petition of Melisan by Royal Crier Francois Hierle

1 p. N. P.

April 23. Copy of notice served on petition of Sr. Melisan on Sr. Rene, Chief Steward of Governor de Vaudreuil to testify in case of the negress Manon, by Francois Hierle, Royal Court Crier.

No. 1040.

April 24. Inquiry made on petition of Sr. and Dame Melisan in case of Manon, a negress they exchanged for another

with Mr. de Louboey. Sr. Bobé Descloseaux, Judge at Mobile and Sr. Bernoudy as Greffier and Francois Hierle received testimony, First testimony given under oath by Sr. Rene, Chief Steward of Governor de Vaudreuil, who declared that "last Tuesday" he heard that Madame de St. Hermine wished to force the negress Manon to say that she had epileptic fits threatening to sell her where she would be unhappy for the rest of her days, and this is all he knew.

Signed: Rene. Bernoudy. Bobe Descloseaux.

Second witness.

Sieur Pierre St. Jean, Chief Surgeon at Mobile, declared that "Last Tuesday, being at Mr. de Louboey's" he told him that the negress Manon had announced to him that she had epilepsy and that he answered that she had never told him of it until then. Having left the house he met Manon in the street he questioned her and she answered that to force her to say this Madam de Ste Hermine persecuted her and threatened to sell her in a place where she would be unhappy for the remainder of her life. He knew nothing else.

Signed: Bernoudy. Bobé Descloseaux. Saint Jean.

Third witness.

Manon when questioned by Surgeon before magistrates declared that she is not subject to epilepsy, that a few years ago she fell into fainting fits and that her master, Sr. Melisan, thinking it might come from worms gave her medicine and she has never fainted since except once since she is at Mr. Louboey's house, with pains in all her limbs, that she had not foamed and when

raised she immediately regained consciousness, and she repeated Madame de Saint Hermine's threats.

Signed: Bernoudy. Descloseaux. Saint Jean.

April 24. Present Proces Verbal drawn up at Mobile and signed: Bernoudy. Descloseaux.

1 p. April 27. Notice of citation served on Mr. Charles de La Lande scrivener and guardian of the King's warehouse, to answer interrogation on a negress named Manon, belonging to Sr. de Louboey who exchanged her with Mr. Melisan, notary and Greffier, for a negress and her two children.

Notice served by Francois Hierle, Royal Court Crier.

2 pp. April 28. Inquiry before Sr. Bobe Descloseaux, Judge at Mobile in which Sr. Charles Marie de Lalande testified as to what he knew of Manon, a negress previously owned by Sr. and Dame Melisan. Charles Marie de la Lande, aged forty-six years, declared that about six months ago, he heard a discussion between Sr. Melisan and Mr. de Louboey, the latter wishing him to take back the slave Manon, affirming that he had deceived him, that the negress saying that she had fallen at Sr. Melisan's. Sr. Melisan maintained that she had fallen but once and that it was due to tapeworm.

This testimony is signed: Delalande. Bernoudy. Bobe Descloseaux.

This present Proces Verbal drawn up on April 28, 1745.

1 p. May 4. Petition to Mr. Bobé Descloseaux, Commissioner of the Marine and Judge at Mobile, by Sr. de Louboey, Commandant at the said place for permit to cite Antoine Prevost, resident of Mobile, as witness concerning the exchange of slaves made between Mr. de Louboey and Sr. Melisan.

Signed: Louboey.

Copy. May 4. Notice served on Sr. Antoine Prevost, to appear on May fifth in the 1 p. Chamber of Audience, before Judge Descloseaux to answer the interrogations made concerning the slaves Junon and Manon exchanged by Sr. Louboey and Sr. de Melisan.

Signed: francois hierle.

No. 1042. May 6. Inquiry made on petition of 2 pp. Sr. de Louboey and interrogation of one Antoine Prevost, goldsmith, residing at Mobile, before Sr. Bobé Descloseaux, Commissioner of the Marine and Judge and Sr. Francois Coezard Bernoudy acting as Clerk of Court (Greffier). Prevost, aged about fifty-nine years, declared that Sr. Melisan, immediately after the exchange of slaves, told him that since three months he had been trying to come to this agreement of which he was satisfied as the negress he gave Mr. de Louboey would never have any

children and that the one exchanged for her had already had one child and expected another. This testimony given in the customary form was signed: Prevost. Bobe Descloseaux. Bernoudy.

Proces Verbal drawn up on the same day.
Signed: Bobe Descloseaux. Bernoudy.

1 p. May 19. Complaint by Mr. Francois Melisan and Madeleine Boyer, his wife, that the negress Junon, exchanged for another with Mr. de Louboey, having been sent to his desert at seventeen leagues from Mobile, for the sowing, and this day he was informed that the said negress was no longer there, having left with an officer, a soldier and a negro sent by Mr. de Louboey to get her, which prevents his sowing, as he had only this negress, a young negro and an old negress able to work. Melisan protests against Mr. de Louboey for all accidents that may happen and as there is but one season for the sowing he demands indemnity and moreover that justice be rendered in the case of one of Mr. de Louboey's slaves named L'Eveillé, who came twice after the night call for the negroes to retire, broke through the fence to carry off a small negro, aged two years, son of said Junon. He prays that this complaint be sent to the Superior Council and joined to the prosecution now pending between Mr. de Louboey and him.

Signed: Melisan.

May 19. Certification given to Melisan of this complaint and the demand for indemnity.

Signed: Bobe Descloseaux.

May 20. Defense of Mr. de Louboey, stating that he had heard that Melisan had sent his (Louboey's) negress and her little son, aged nine months, to his desert, where said Junon was to work in the field, he sent for her as the child was wounded in the foot, from ill treatment by Mrs. Melisan, and that this negress being in litigation is only a deposit until judgment is rendered. The negress Junon had threatened to drown herself and her child if she and her two children were to remain subject to his ill treatments. Mr. de Louboey returns the slaves warning Melisan that he will have to answer for all accidents that may intervene, or costs, indemnity and interest, until decision of case.

Signed: Louboey.

April 24.
(26573) fo. 28.
(4005) 4 pp.

*Marriage Contract,
Rousseau-Cheval.*

Cheval and of Marguerite Colombat, both parents stipulating

Marriage Contract of Antoine Rousseau, minor son of Nicolas Rousseau, settler at the German Coast and of deceased Anne de Gravelle, a native of Natchez, Bishopric of Quebec, and of Miss Genevieve Cheval, minor daughter of Sr. Francois

for the minor. This contract was drawn up in the presence of Sr. Augustin Chantalou and Jacques Cantrelle, witnesses, and of Mr. desIllets.

Signed: antoinne Roussau. nicolas judice. Genevieve Cheval. Roussau. Chantalou. Jacque Judice. Cantrelle. Desillest. Henry, notary.

April 26.
(26577)
(4006) 2½ pp.

*Agreement between Voisin
and Prevost to adjust the
boundaries of their
adjoining properties.*

which Sr. Voisin cedes the surplus of 65 ft. frontage which his lot has on the quay by all the depth of the lots, his lot will then measure 65 ft. frontage by 138 ft. in depth. We have deposited this present in notarial office of Mr. Henry, Notary Royal to pass act thereof.

Signed: P. Voisin. Marie Anne Corbin, P. Voisin's "wife consented to the exchange," and signed: marie anne Corbin. Prevost. On page 26579 is a plan of the lots, exchanged marked by dotted line.

April 26.
No. 13.
3 pp.
Letter listed.

Letter addressed to Mr. Delaloere de Flau-court, "au Mississipy" by his brother Mc Delaloere. Only family news and messages and regrets at not hearing from him since several years.

April 28.
(26581) fo. 28.
(4007) 2½ pp.

*Agreement to make a
brick wall one in common
between the two properties.*

have agreed to make the brick wall in common which will be on Sr. Chauvin's side, which brick wall will be of height and length of the house Sr. Wiltz is to build, Sr. Chauvin to pay one half of said wall. Dimensions, thickness and conditions laid down that chimneys must be separate.

Signed: Chauvin. Wiltz. Chantalou. Cantrelle. Henry, notary.

May 3.
Listed A*.
Paraphed*.
Listed 9*.
4 pp.
See April 8.

Account rendered by Mr. Defontaine, Director of the Concessions of MM. le Blanc, d'Asfeld, and Associates, detailed statement of expenses made from March 30, 1720, to September 9, 1724; Extract from the large book listed A ee amount-

*These marks on the original indicate the listing and paraphing, when a change occurred in the official in charge.
—Ed. La. Hist. Qy.

2 pp.

Accounts rendered by Defontaine's heirs to the successors of the LeBlanc concession below New Orleans.
Petition for citation and condemnation of Daunoy and Assailly to pay the balance struck in said account.

and endeavor to settle accounts of Le Blanc concession as purchasers of same. The sum of 5251 livres, 2 sols, 6 deniers, is due to heirs of Defontaine besides his salary from Sept. 24, 1724, to Feb. 10, 1726, amounting to 3472 livres, 2 sols, 9 deniers.

Order for citation and notice of same.

1 1/4 pp.

Procuration by Daunoy to Prevost to represent the former in said suit.

May 6.
2 1/2 pp.

Champagne sues Reynault to annul lease of house, for failure of lessor to make necessary repairs. Judgment on report of experts annulling said lease.

ing to the sum of 9127 livres, 11 sols, 7 deniers, in debit, and in credit to that of 14369 livres, 7 sols, 10 deniers.

May 7. The Procureur General, considering the foregoing account and vouchers concludes that Sieurs Daunoy and Assailly furnish defense.

Signed: fleuriau.

Document with curled and torn edges.

May 21. Petition to Superior Council by Sr. Jahan, acting under procuration of heirs of Sieur Defontaine, praying that Srs. Daunoy and Assailly be cited

Signed: Jahan.

May 21. Order for citation of Srs. Daunoy and Assailly on petition of Sr. Jahan.

Signed: Prat.

May 22. Notice of citation to appear before the Council served on Sr. Prevost as attorney of Sr. Assailly and on Sr. Daunoy, at their domiciles in this City by Sheriff Lenormand.

May 23. Procuration granted to Jean Baptiste Prevost, by Charles Guy Daunoy, to act for him in suit instituted against him and Sr. Assailly by heirs of Sr. Defontaine.

Signed: Daunoy. Chantalou. Danneville. Henry, notary.

Document charred, parts missing.

Excerpt from Registers of Superior Council: Jean Baptiste Champagne vs. Claude Reynault, called Avignon, acting in name of deceased Gauvin: Experts declare that the house requires considerable repairs, Wherefore Council annuls contract between Jean Baptiste Champagne and Gauvin, which will end on the fifteenth instant.

Signed: By the Council.

Henry, Greffier.

Document charred and going to pieces.

May 7.
2 pp.

The Executor of the will of Charles Hegron, presents the will, alleging that the decedent was married to an Indian and has a legitimate child by her who is a minor.

He further alleges that on account of her nationality (being an Indian) the widow is incapable of administering the estate and he prays that a family meeting be called to elect a curator to her and a tutor and under tutor (subroge tutor) to the minor.

The Procureur General concurs in the foregoing and the court orders accordingly.

The rule of incapacity of the Indian widow was an innovation in the law, established by Delachaise, in 1729. See Gayarre, History of La. I. 393. 1. Also Dart, *The Legal Institutions of Louisiana*, La. Hist. Qy. 2, pp. 94-5.—Ed. La. Hist. Qy.

Mobile be homologated, the plantation and goods of deceased being situated in that jurisdiction. That a tutor be elected to administer the goods of the minor, and a curator to the Indian widow and that they, in concert with the executor, be allowed to sell cattle or slaves to pay the debts of the succession, after having settled with the creditors.

Signed: fleurieu.

May 8. Order of the Council to call a family meeting for the election of a tutor and under tutor to the minor heir.

Part of document missing, it being worm eaten through both pages.

1 1/2 pp.
Will of said Charles Hegron, called LaMothe, made before Father Dagobert, Capuchin, Cure of N. O.
The testator recites that Francoise (an Indian woman) is his legitimate wife and he bequeathed to her one-half of his estate, as it was acquired by them in common.

other half to be divided between their two legitimate children, deducting from the said half the value of a negress given to his eldest daughter when she married; the testator intends that Charles, his son, shall take as much before any division,

Petition to Superior Council stating that Charles Hegron, called Lamotte made a will before Rev. Father Dagobert, Capuchin, Cure of this Parish, whom he named his executor. As the said Hegron leaves an Indian widow and a minor child, incapable of administering his goods, the petition requests that supported by the Procureur General of the King, the will be homologated and a tutor be elected for the child and a curator for the widow, considering her Indian nationality, so that inventory may be taken of the goods of the deceased. That he be permitted to sell some cattle to pay the decedent's debts as he leaves no movables.

Signed: (illegible)

May 8. The Procureur General of the King prays that the will made by Charles Hegron, March 18, 1745, be declared good and valid and that on the request of the executor and of our substitute at

Mobile be homologated, the plantation and goods of deceased being situated in that jurisdiction. That a tutor be elected to administer the goods of the minor, and a curator to the Indian widow and that they, in concert with the executor, be allowed to sell cattle or slaves to pay the debts of the succession, after having settled with the creditors.

Signed: fleurieu.

March 18, 1745. (Inclosed in previous document:) Nuncupative will of Charles Hegron, called Lamothe, made before Rev. Father Dagobert, Capuchin, Cure of the Parish of St. Louis, New Orleans. He wills that on the day after his funeral a solmen service be said for him; he bequeaths to Francoise, an Indian, his legitimate wife, one half of all his goods as they acquired them in common, the

mentions 142 livres due to Sr. Duranté whom he names as his executor.

Signed: Charles egron. Du Prey. Avignon. Taracon Durantay. f. dagobert capucin miss "faisant fonction de curé."

May 8.
(26584) fo. 28.
(4008) 3½ pp.

*Marriage Contract,
Jacques Nicolas and
Marianne Drapeau.*

Pro, a native of New Orleans, Bishopric of Quebec. The groom declared that he could not sign nor write.

Signed: Mairi prox. Marianne Prox. Brantan. Jacque Judice. Marie Janne Drapeaux. joly. henry dubic. Chantalou. Cantrelle. Henry, notary.

May 8.
No. 1043. 2 pp.

*Judgments rendered by
the Superior Council.
LeRoy vs. Prevost.
Chaperon, tutor vs.
Tixerant.*

Jauregulbery vs. Livet.

*Registry of Du Breuil's
donation.*

May 8.
3½ pp.
*Answer of Tixerant to
petition of Chaperon.*

of 700 livres on his lease. Though the sum was not yet due Sr. Tixerant got it and brought it to Chaperon so that he could

Marriage Contract of Jacques Nicolas, gunsmith of New Orleans, son of Francois Nicolas and Marie Flamonchet, both deceased, a native of La Rochelle and Marianne Drapeau, minor daughter of deceased Vacarie Drapeau and of Marie

Pro, a native of New Orleans, Bishopric of Quebec. The

Session of Superior Council of May 8, 1745:

1. Judgment in case of Charles Le Roy, civil petition, vs. Sr. Prevost: Council confirms decree of March 6, 1745.

2. Joseph Chaperon, tutor of minor child of Joseph Larche, plaintiff, vs. Sr. Tixerant, defendant: Council has adjourned the case until next session of Council. Costs pending.

3. Between Sr. St. Martin Jauregulbery, plaintiff, vs. Jacques Livet as husband of Laurence Colin, deceased: Council orders Livet to pay 2652 livres, 1 sol, 5 deniers, which the Council has reduced to 1344 livres.

Document worm eaten clean through and a large part missing.

Signed: Lenormant. Noyan. Lafreniere. Raguet. Prat.

4. Council orders that donation made by Du Breuil Sr., be filed in Registry of Council to be executed in its form and tenor. See April 5th, 1745.

Signed: Lenormant. Noyan. Lafreniere. De Benac.

Memorial to serve as defense of Sr. Tixerant, stating that Sr. Chaperon in his petition of April 21, 1745, imposed on the Members of the Council by saying that said Tixerant refused to pay the sum

pay what he owed the Company of the Indies for the minors. When Sr. Chaperon leased the negroes to Sr. Tixerant neither of them knew the extent of the decrease to be made by the King and therefore did not wish to enter into a lease for three years. He asked to abandon the negroes. When Sr. Tixerant hired the negroes last year the season was advanced and therefore had little returns on them, on the contrary he had to buy provisions to feed them. This year he sowed much more and undertook more work in order to cover the deficit of the last year, he prays that things remain as they are, that Sr. Chaperon be nonsuited and condemned to pay costs.

Signed: Tixerant.

May 14.
(25017)

Memorandum evidently
made by the Notary of
the Superior Council, but
unsigned and undated.

Memorandum: "To make a procuration for
Mr. de Pontalba in my name, by Chan-
talou."

"Gave the papers of Duplaichin to Mr.
de Pontalba to make succession pay what
is due to Rateau (Rasteau)."

"Not to rent the house less than 10 piastres per month,
which will be worth by month or by year, 2 or 3 years, to
make repairs convenient."

"To withdraw furniture from Mr. de Pontalba, which is
in the attic of the house, to have them brought to mine, and
this before departure of Mr. de Pontalba, so that he may see
them and make a statement."

May 15.
 $1\frac{1}{4}$ pp.

Morisset of Gentilly sues
Chesnier to deliver an ox
or its equivalent in replace-
ment of one belonging to
plaintiff and killed by
defendant.

Petition to Superior Council by Sr. Morisset,
resident at Gentilly, for citation of Sr.
Chesnier to see himself condemned to an
ox equivalent to the one that he had
killed and to pay costs.

Signed: Morisset.

May 15. Permit to cite, signed by
Prat.

May 20. Notice to appear before Council on the first
Saturday of the month, served on Sr. Chesnier at his domicile,
on petition of Sr. Morisset, by Sheriff Lenormand.

May 17.
(26588) fo. 28.
(4009) 1 p.

Gros, a free negro,
complains that Matha,
a free negro, is seeking a
quarrel with him, and has
killed one of his turkey
cocks, and is constantly
threatening the
complainant.

Declaration in Registry of the Council by
one Gros, a free negro, that Matha, another free negro is seeking a quarrel with him; he cannot live with his wife and imagines that Gros advises her and Matha lately killed one of his turkey-cocks, and every day threatens him which forces him to make this declaration.

Signed: Henry, Greffier.

May 18. (29042) 1½ pp.

Succession of Marie Genty, deceased wife of Jacques Judice.

Petition to Superior Council by Jacques Judice, declaring that his wife, Marie Genty, died several days ago, leaving children from two marriages: Jeanne and deceased Anne Rousseau. The said

Jeanne married his brother Nicolas Judice, the second married to Dalmant, left a child, and from her second marriage to him, there is Louis Judice. He therefore prays that family meeting be called to elect a tutor to the minor.

Signd: Jacque Judice.

Order to communicate to Procureur General of the King.

Signed: Prat.

(29038)

3½ pp.

Family meeting to elect tutors and under tutors to the minor children of the decedent issue of her first and second marriages.

May 19. Meeting of relatives and friends of Marie Genty, deceased wife of Jacques Judice, called before Councillor Prat, assisted by the Procureur General, to elect a tutor of Louis Judice, her minor son. Jacques Judice is to be tutor of his

son and Dominique Dalmant of the minor Dalmant and Nicolas Judice is to be under tutor of both minors, his nephews. Parties having accepted and taken customary oath the election was homologated.

Signed: Jacque Judice. Cartier. Nicolas Judice. Brantan. Ef Roujot. Cantrelle. jean carmouche dit lorain. Vongy. fleuriau. Prat.

(29041)

½ p.

No. 1044.

7½ pp.

Inventory of the estate of Mrs. Marie Genty Judice.

May 24. Acceptance and oath taken by Dominique Dallemand before Councillor Prat and Procureur General Fleuriel.

Signed: Dallemand.

May 25. Inventory of succession of Marie Genty, deceased wife of Jacques Judice, taken at his house in the presence of Councillor Prat, the Procureur General of the King, Jacques Judice, Nicolas Judice and Dominique Dallemand.

Signed: Jacque Judice. Nicolas Judice without prejudice to what may be found hereafter. Lenormand. Prat. Dallemand. Ef Roujot. Cariton.

(26593) fo. 28.

(4012) 4 pp.

Amicable settlement of the estate of Marie Judice. See will of Jacques Judice, June 24, 1745.

May 26. Amicable settlement of succession of deceased Marie Gentil by Jacques Judice, Nicolas Judice, Dominique Dallemand, all three representing coheirs in said succession. However if any inheritance coming from Marie Gentil's side were found in France it would be divided between

her children, including Louis Judice, this settlement being only for what she left here and in community with Jacques Judice.

Signed: Jacque Judice. Nicolas Judice. Dallemand. Chantalou. Cantrelle. Henry, notary.

May 18.
2 pp.

Suit by Layssard Bros.
against Pierre Grousset,
called St. Pierre, for money
due for merchandise.

Petition to Superior Council by Jean and Etienne Layssard Brothers, for citation of Sr. Pierre Grousset, called St. Pierre, cooper, for recovery of the annexed bill due on merchandise delivered Sept. 29 and Oct. 4, 1743, amounting to 940

livres, with interest, expense and costs.

May 18. Permit to cite, signed by Prat.

May 18. Notice of citation served on Pierre Grousset, at his domicile in New Orleans, on petition of Layssard Bros., by Sheriff Lenormand.

May 21.
1½ pp.

Jean Baptiste de Chavannes
sues Jean Baptiste Prevost,
agent of the Company of
the Indies to recover
crockery, pewter and steel
objects borrowed by him
on his return from the
Natchez in 1730. Values
fixed at 244 livres,
16 sols, 10 deniers.

Petition to Superior Council by Jean Baptiste de Chavannes for citation of Mr. Prevost to compel him to return crockery, pewter and steel objects borrowed from him on his return from the Natchez in 1730, or to pay the value thereof as per memorandum annexed.

Signed: De Chavannes.

May 21. Order of citation to Prevost
signed by Lenormant.

May 24. Notice of citation served on Sr. Jean Baptiste Prevost, Agent of the Company, at his domicile in New Orleans on petition of de Chavannes.

1 p. N. P.

Signed: Lenormand.

List of objects lent Sr. Prevost, amounting to the value of 244 livres, 16 sols, 10 deniers.

May 24.
2½ pp.

Francoise Aufrere, wife
of Gerard Pery, separate
in property, sues Sr. Jung,
a creditor of her husband,
to enforce the judgment of
Sept. 28, 1743, granting
her the right to retake her
dowry and advances under
her marriage contract
with Gerard Pery.

Petition to Superior Council by Francoise Aufrere, wife of Gerard Pery, separate in goods, stating that by decree of Council of Sept. 28, 1743, she was authorized to retake her dowry and advance of inheritance, according to her contract of marriage of Feb. 1, 1741. She has not yet effected this return in its entirety and as Sr. Prevost has been given pro-
curation by Sr. Jung, creditor of Sr. Pery, she

prays for citation of said Prevost to be ordered the full return of her dowry, following the tenor of her contract of marriage.

Signed: F. aufrere peré.

Authorized to the foregoing by her father, Antoine Aufrere, as her curator.

Signed: Aufrere.

May 24. Permit to cite Sr. Prevost at next session of Council.

Signed: Raguet.

Citation on J. B. Prevost,
agent of Sr. Jung
of Bordeaux.
See the answer of
Prevost, June 4, 1745.

May 24. Notice served on Sr. Prevost, Agent of the Company of the Indies, and holding procuration of Sr. Jung of Bordeaux, to appear in the Council Chamber, at its next session, at eight o'clock A. M., to answer the foregoing petition.

Signed: Lenormand.

May 29.
2½ pp.

Nicholas Forstall owner of
the St. Jean Baptiste,
now in this harbor, sues
to recover expenses of
transporting one Bodereau
to the Colony from
Havana, in 1744, under the
order of the Governor
of that country and of
the Governor of La.

Be it known therefore, that
per memorandum annexed, charging nothing for his passage,
but only for expenses incurred. Said Bodereau is detained in
the prisons of New Orleans, where he was placed on his ar-
rival, under criminal accusation. Being obliged to leave the
city, petitioner left his memorandum in the hands of the Pro-
cureur General of the King, who has not obtained payment
and sentence has not yet been rendered. He prays that Sr.
Petit, curator of Miss Huet, and Sr. Graveline, in the absence
of Bodereau, his son, be cited at the next session of the Coun-
cil, to hear themselves sentenced to pay solidarily to petitioner
the sum due in consequence of decree of August 14, 1744.

Signed: N. forstall.

Permit to cite signed: Prat.

Citation on curator of
Miss Huet.

1¼ p.

Bill for food furnished
said Baudreau, the Sr.
Gravelline (his father) and
two negroes on board the
St. Jean Baptiste.

May 30. Notice of citation served on
Sr. Ignace Petit as curator of Miss Huet,
and on Sr. Graveline, "in place of Beau-
dreau, his son, a resident of Bayougoula."

Signed: Lenormand.

Bill for food furnished to Sr. "Bau-
dreau", Sr. Gravelline, his father, and his
two negroes, from June 23, to July 18,
1744, on board the boat the St. Jean
Baptiste, commanded by Sr. Michel
Neron.

Sept. 16, 1744. Bill certified at New
Orleans by:

"Cartier fils Ecrivain
du Bateau."

1 p. ~~accusation~~ C.R. 1

Sept. 18, 1744. Statement of expense due Mr. Michel Neron, Captain of the St. Jean Baptiste, to be paid by Miss Huet, and promise by Procureur General Fleuriau to do all in his power, when Mr. Petit is in New Orleans, to secure payment as soon as possible. 2½ pp.

Petit, curator of Miss Huet, answers Forstall's suit. He avers that she was seduced and abducted, is a minor, with two children and that she cannot be held solidarily or at all for the costs of returning her abductor to New Orleans.

Sept. 18, 1744. Statement of expense due Mr. Michel Neron, Captain of the St. Jean Baptiste, to be paid by Miss Huet, and promise by Procureur General Fleuriau to do all in his power, when Mr. Petit is in New Orleans, to secure payment as soon as possible. 2½ pp.

June 5, 1745. Petition to Superior Council by Ignace Petit, acting as brother-in-law of the Huet girl, he alleges that the decree of Aug. 14, 1744, which condemns the Huet girl solidarily with Baudreau has no regard to her minority and that she is burdened with two children. This appears to be against all the laws of minors seduced and abducted.

The bill presented by Sr. Forstall seems excessive. Sieur Forstall knows that one barrel of brandy brought from Havana by Baudreau was consumed by the company, that when he arrived at the Belize the eleventh day after leaving Havana, he wrote to Madam Gervais, to send him provisions as he was dying of hunger, which was done by St. Laurent, the innkeeper, which can be attested, proving that Baudreau had provisions if not fully at least in part. The said Forstall should not claim all the expense of a criminal intrusted to him under authority following order of the King, from a minor who was seduced and abducted and has two children, without enough to support them, who will be obliged to sell her seven cows, her only means of subsistence to satisfy this judgment. The most that Sieur Forstall could have exacted was 6 sols a day per head, as per ordinance of the King, and the two blacks were exempt because of the services they rendered during the whole passage, which is far above 6 livres per day, charged in his bill. He prays that Sr. Forstall be nonsuited in consideration of the minority of the Huet girl, the petitioner having nothing for her, and also for not having presented the bill at the time, and that he be condemned to pay costs.

Signed: Petit.

2 pp. N. P.

Notice of citation before Council served on Sr. Graveline and copy of petition of Sr. Nicolas Forstall.

Signed: Lenormand.

May 30.
(26597) fo. 28.
(4013) 1½ pp.
Collated copy.
(26599)

Deposit in Registry of nine thousand four hundred and sixty-four piastres in Santo Domingo money for the Chevalier Grenier, payable to order of Layssard Bros.

Signed: Hervier.

Deposit by Layssard Bros.
in the Registry of 3464
piastres, Santo Domingo
money proceeds of flour
shipped by La Superbe
and L'Aimable for which
the depositor is unable
to get exchange.

May 30. Receipt for 1420 piastres not having been able to furnish bills of exchange.

Signed: Layssard Bros.

Deposited in Registry by Mr. Hervier,
May 30, 1745.

To Mr. le Chevalier Grenier, Commanding the boat "La Superbe" of Martinique, at present in the port of New Orleans.

Information given by Capt. Hervier of other cases of flour purchased from Mr. Grandjean, merchant of the Cape, 720 piastres, shipped for his account on the boat "L'Aimable."

Document so pale and stained that it is barely legible.

May 30. Receipt for 3420 piastres for 114 cases of flour, not having been able to furnish one of the bills of exchange of March 7th.

Signed: Layssard Bros.

May 30.
(26601) fo. 28.
(4014) $\frac{1}{4}$ p.

Laurent Lerable reports the arrival at his house of a negro named Gay, who said he had left his master above Natchez because of ill treatment.

Declaration in Registry of Superior Council by Laurent Lerable that a negro named Gay, owned by Louis Langlois, came to his house and told him that he had left his master above Natchez going to Illinois, that he did not want to go and that his master ill treated him and brought him from New Orleans above Natchez in irons and he made the present declaration to serve and avail as need may be.

Signed: Laurens Lerable. Henry, Greffier.

(To be Continued)



✓ INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA

XXXI.

September-December, 1779.

(Continued from October, 1930.)

By LAURA L. PORTEOUS

Marginal Notes By the Editor of the Quarterly

September 14, 1779.
**Intestate Succession of
Marie Eva LaBranche,
wife of Alexandro Baure.
Inventory and valuation
of her estate.**
No. 3605. 355 pp.
Assessor, Postigo.
Courts of Alcalde de
Vergès, Panis and
de Reggio.
Escribanos, Garic,
Mazange and Rodriguez.

Indeed, if we followed modern biographical practice, we could safely give this record the title of the Step-sons of Alexandro Baure, for it appears that from the time of his marriage to their mother, these children of her first marriage, had kept Baure on the jump.

I.

Francisco Verret opens the succession with allegations that his mother, the widow of Alexandro Baure died eight days previously on her plantation about four leagues from New Orleans on the same side of the river; that she left children by her first and second marriages; that he and his brothers are children of the first marriage; that some of his co-heirs are absent from the province; that no proceedings have been taken since his mother's death to inform the court of that fact or to place the estate in security; he prays that the Alcalde (de Verges) order an inventory and appraisement of the estate to be made without delay and that the deceased's property be put in safety until the conclusion of this case, fearing as he alleges that Alexandro Baure, her surviving husband, has taken clandestine proceedings for the purpose

This record consists of two parts, bound separately, respectively, 236 and 355 pages. It is an excellent, but also unusual example of the Spanish procedure in the settlement of an intestate succession. The deceased lady had been married twice, her surviving husband was in like category and the death of his last wife was the signal for a legal battle which extended from 1779 to 1781, during which period something was doing every day

of injuring petitioner and his co-heirs and for the benefit of his own children. In this connection he prays that the escribano of New Orleans (the official notary public) be ordered not to execute any acts of alienation or otherwise by Baure until the end of this process.

Alcalde de Verges rules:

"Begin the necessary proceedings for the opening of this succession; notify Baure to make it evident that his wife, Maria Eva LaBranche has died, by exhibiting her death certificate and done let the records be placed at the end of this petition."

To the remainder of the prayer he attaches an order: "As it is prayed."

Alexandro Baure obeys the order and notifies the Alcalde, of his wife's death. This certificate recites that Maria Eva La Branche, legitimate wife of Alejandro Baure died about ten o'clock in the morning of September 4th, leaving children by two marriages, five by the first and two by the second, all of age over twenty-five years, or married. Because of the absence of some of the heirs the Alcalde orders the escribano to accompany him to the residence of the deceased to gather up the keys and since Mrs. Baure died some eight days before on the plantation about five leagues from the city, where the greater part of her estate is situated, he orders the keys of the plantation to be immediately surrendered by Baure and brought to the court for such other proceedings as may be needed. The keys are collected both in the city and on the plantation and delivered to the court.

The Alcalde next orders the official notaries Almonester and Garic to search in their records for a will and each reports that no will exists therein. Thereupon the Alcalde appoints Baure guardian of the estate and orders the keys to be returned to him, appointing at the same time Francisco Broutin, defender of the absent heirs and ordering the records to be delivered to him to promote whatever shall be convenient or necessary to the rights of the absent heirs. Baure receipts for the keys and Broutin qualifies by taking oath and furnishing Nicolas Fromentin as surety.

Francisco Verret now names Leonardo Mazange as his attorney and through him petitions for an inventory and valuation of the succession and names Francisco Bijon as appraiser in his behalf. Broutin makes a similar application naming Joseph Adrien de la Place as appraiser. The Alcalde fixes the 14th of the current month (September) to begin the inventory and notifies Baure, widower of the deceased and guardian of the estate to put the property on exhibition so that the inventory and estimation may be made by the ap-

praisers; he also orders Luis Lalande D'Apremont, representing his wife, one of the co-heirs, a daughter of the deceased, to be summoned and be present at the inventory.

The inventory is begun at the plantation September 14th in the presence of Pedro de Verges, Francisco Broutin, defender for the absent heirs, Leonardo Mazange, representing Francisco Verret, son by Mrs. Baure's first marriage, Alejandro Baure, Jr., son by the second, Adrien de la Place and Francisco Bijon, appraisers, and Juan B. Garic, escribano.

The party left New Orleans at eight in the morning and drove to the plantation in a caleshe, consuming practically the entire day in going and they began their work on the day following. It is explained in the proces that Baure did not supply the conveyance and that it was therefore necessary to hire the horses and the caleshe. The inventory covers household effects, table furnishing, drugs, provisions, cash money, wearing apparel, dairy utensils, a caleshe upholstered in velvet, for three horses, two old caleshe wheels, agricultural implements, carpenters' tools, silverware, cattle and other live stock, wagons, horses, slaves, buildings, an indigo mill and all its accessories for making indigo, utensils, machines, lands, etc. The plantation is described as twenty-three arpents front by forty in depth, five leagues from New Orleans, adjoining on one side the property of Alejandro Baure, Jr., and on the other the property of Marguerite Chauvin de Lery, widow Soubadon, on the same side of the river as the capital, having 200 arpents arable land, surrounded by a stake fence, in good and bad order in places. It is noted it has a canal for a saw-mill running twenty arpents deep. The whole is appraised at 4300 pesos.

This task completed it is noted that the parties returned to New Orleans by boat and that Leonardo Mazange had hired the Caleshe with three horses and a negro for the space of three days to take the Alcalde and the rest of the party up to the plantation.

The inventory in New Orleans is made by the same officials and the parties, and consists of house furnishings, indigo, slaves, papers, money and real estate. The houses are described as on a street not named, the first on a lot seventy feet by seventy-two feet, the house being sixty feet long and thirty-four wide, divided into six rooms, bricked between beams, boarded up above and below with four chimneys, a kitchen in very bad condition with a "german" chimney. House and kitchen covered with shingles, windows and doors opened and closed with keys. The lot is adjoined on one side by Mrs. Duparc and on the other by a house belonging to this inheritance. This is appraised at 1400 pesos. Another lot is designated as fifty feet front by seventy-two deep, with a house fifty feet long by thirty-four wide, divided into six rooms with

four cellars below, boarded up above and below with an iron balcony or balustrade fifty feet long. It is adjoined on one side by Major Quin and on the other by the first mentioned house. This building has a shingle roof in a very bad state of decay as well as the balustrade, because of the hurricane of August 18, 1779. The house and lot are valued at 900 pesos.

All the parties save Alejandro Baure, Jr., file separate petitions asking that the inventory be homologated and the parties ordered to abide by it. Alejandro Baure, Jr., did not join because he was too ill to do so. (He died shortly after and his succession was opened November 15, 1779, and the proceedings therein are noted later on in this instalment of the index). The Alcalde renders an order confirming the inventory and further ordering that the records be delivered to Broutin, defender of the absent heirs.

Broutin petitions for an order for the sale of the entire estate, the movables, utensils, provisions and live stock to be sold for cash, the negroes and indigo on credit payable one year from date, and the plantation on two years' credit, the purchasers to give satisfactory bond. All parties concur in this application and Alcalde de Verges orders the public calls required by law to be made not only in New Orleans but at the Acadian and German coast where much of the property is located. The first city call is given on November 1st. Broutin petitions for a special appraisement of the silverware and Nicolas Webert appointed for that purpose values it at 300 pesos.

Broutin also claims that three negroes who were at Manchac at the time of the inventory were not appraised and on his application these slaves are estimated by Messrs de la Place and Bijon at 300, 280 and 300 pesos respectively. Broutin further asks to have some indigo valued by these same appraisers, who fix its value at six reales per pound.

Broutin by another petition alleges that the slave women Mariana, Theresa, Marguerita and Catalina cannot be sold as Alejandro Baure reports they are ill and he asks that an order issue to Joseph Montegut, surgeon, to visit the slaves and under oath testify to the nature of their illness and deliver a declaration of the results of his visit for use of the parties in interest. Joseph Montegut, surgeon, under oath states he had examined the four negresses and in his opinion he does not consider them able to do any field work and it would be a great risk to employ them in such labors. Broutin thereupon petitions for an order of reappraisement of these negresses and that they be included in the sale previously ordered together with the negroes who were at Manchac and with the indigo and silver. Bijon and de la Place value the sick ne-

gresses at thirty pesos each and the Alcalde issues an order to make the calls for the sale.

A free mulatto petitions to be allowed to pay for a slave woman and her son, child of the petitioner, and to emancipate them on such payment. This is granted by the parties and approved by the Judge. The petitioner makes the payment.

that he does not know how to write." The petitioner says he is a resident of New Orleans and with the greatest respect and profound veneration presents himself before the Alcalde because he has learned of the order for the sale of the negroes and property belonging to the late Mrs. Baure; that considering the good services, he the petitioner has received from the negress Magdalena, belonging to the estate, and also the little mulatto son of petitioner and of Magdalena, and for other motives, his soul is moved to desire their freedom. He offers to pay cash for them at the price at which they were estimated in the inventory and he prays that the negress and her son be not put up for sale at public auction but that they may be given letters of emancipation so that they may enjoy their freedom for the future.

The petition is sent to the other parties in interest and no objection is made by them, but Broutin specially answers saying that he has no objection thereto and consents to the emancipation of Magdalena and her son, upon the payment by Casenave in cash of the price of their valuation in the inventory and the execution without delay by the escribano of the necessary letters of emancipation, Alcalde de Verges orders the act of emancipation executed for Magdalena and her son and this being done, Casenave pays in cash for them, the prices at which they were valued in the inventory.

Alexandro Baure petitions to have three slaves adjudicated to him, as they are "very dear to him." This is agreed to.

adjudicated to him at the price of their valuation and without an auction sale. All parties consent to this application and Alcalde de Verges renders an order accordingly.

The death of Alejandro Baure Jr., (one of the parties) is reported.

month Alejandro Baure, Jr., died, leaving minor heirs and in

At this point a most respectful petition is presented by Joseph Casenave, alleging himself to be a free mulatto. The petition is written for him but not signed. A marginal note signed by the escribano states: That it was "presented before me by the same party with the statement

that he does not know how to write." The petitioner says he is a resident of New Orleans and with the greatest respect and profound veneration presents himself before the Alcalde because he has learned of the order for the sale of the negroes and property belonging to the late Mrs. Baure; that considering the good services, he the petitioner has received from the negress Magdalena, belonging to the estate, and also the little mulatto son of petitioner and of Magdalena, and for other motives, his soul is moved to desire their freedom. He offers to pay cash for them at the price at which they were estimated in the inventory and he prays that the negress and her son be not put up for sale at public auction but that they may be given letters of emancipation so that they may enjoy their freedom for the future.

The petition is now presented by Alejandro Baure alleging that three of the slaves in the inventory are "very dear to him," namely, Jacob, Raymundo and Francisca, and asks that they be

The second and third calls for the sale are given November 19th and 20th. This is followed by official notice on the last date that on the 14th of the current

order that they may be represented, the Alcalde appoints Francisco Broutin curator ad lites to said children and orders these proceedings to continue to their conclusion.

Broutin thereupon petitions saying that Leonardo Mazange who has been acting as attorney for Francisco Verret has now become escribano of the Cabildo and for that reason can no longer represent Verret and he prays that Verret be ordered to name another representative or that one be named for him officially. The court names Fernando Rodriguez to represent Francisco Verret and Broutin petitions saying that as the three public calls have been made the Alcalde should set the date for the auction sale. An order is accordingly issued fixing December 1, 1779, for the auction.

Alexandro Baure petitions asking that the sale be put off until the sixth of the month because the bad weather has prevented him from bringing the movables from the plantation

By consent the clothes of the deceased Mrs. Baure are adjudicated to her daughter.

to the city. This is concurred in and he presents another petition saying that as his wife had but one daughter it is proper that her clothes and a commode be

adjudicated to the daughter at the price of their appraisement and that she has requested this to be done. No objections are made and the Alcalde enters an order accordingly.

The auction sale begins on December 6th and a proces verbal thereof covers fifty-seven pages of the first folio. Every-

The auction sale is held and the costs of the proceeding taxed at 958 pesos, 6 reales.

thing is sold except the plantation for which no bidders appeared. Rodriguez on behalf of Francisco Verret asks that the costs be taxed, as everything has been sold except the plantation and the holidays having intervened, the sale of that item cannot be continued. The Alcalde appoints Manuel Andres Armesto to tax the costs and on December 29th he taxes them at 958 pesos, 6 reales.

II.

Beginning in this same folio but with a new pagination is a second proceeding entitled:

"Incidents in the principal suit for the settlement of the Succession of Maria Eva La Branche upon the discovery of other property belonging to her estate."

The word "incidents" is used in the Spanish procedure to designate a proceeding growing out of the main case, but not cumulated with it. These "incidents" are a series of lawsuits; the first entry dated November 26, 1779, is a petition with interrogatories presented by Francisco Broutin to be an-

swnered by Alexandro Baure.

Broutin sues to have d'Apremont bring back in the succession certain slaves given him by his deceased mother-in-law.

acknowledges in his answer to the interrogatories that seven slaves that have cost 1720 pesos had been given to D'Apremont. The Alcalde orders that these negroes be returned to the estate; that they be appraised and sold at auction and the costs of this special proceeding are taxed at 93 pesos, 6 reales.

The second "incident" is dated March 1, 1780, entitled:

"Francisco Verret vs. Alexandro Baure, guardian of the Estate of Maria Eva La Branche."

Francisco Verret, sues
for 300 pesos.

sales already made and there is an itemization of the amounts received for that property. This results in an order from Alcalde de Verges fixing 174 pesos as the amount due Verret from which 102 pesos already received by him shall be deducted and the balance, 72 pesos is paid to Verret and his receipt for the same is in the file.

The third "incident" dated March 4, 1780, is entitled:

"Proceedings for the sale of Maria Eva La Branche's plantation."

Baure, Sr., names Rafael Perdomo, attorney to represent him.

ment of his wife's succession and an order is issued to deliver the records to Perdomo "in order that he may know what has taken place." The next entry is a petition for the sale of the plantation which had been withdrawn when offered with the rest of the property because it had not brought one-half its appraised value. After four calls, it was finally adjudicated to Jean Durel for 3500 pesos.

The plantation is sold at auction to Jean Durel for 3500 pesos. Baure demands the right to redeem it from the purchaser under a law permitting the actual possessor to exercise this remedy within nine days after the adjudication. The Alcalde rules in favor of this right. This is the first time this feature has appeared in our records.

These questions, five in number, relate to slaves belonging to the estate of the deceased, which the petitioner alleges were turned over to her son-in-law, Luis Landale D'Apremont before the taking of the inventory. Baure

acknowledges in his answer to the interrogatories that seven slaves that have cost 1720 pesos had been given to D'Apremont. The Alcalde orders that these negroes be returned to the estate; that they be appraised and sold at auction and the costs of this special proceeding are taxed at 93 pesos, 6 reales.

The petitioner claims 300 pesos as due him by the estate. All parties agree to pay him what is due out of the proceeds of the

sales already made and there is an itemization of the amounts received for that property. This results in an order from Alcalde de Verges fixing 174 pesos as the amount due Verret from which 102 pesos already received by him shall be deducted and the balance, 72 pesos is paid to Verret and his receipt for the same is in the file.

The third "incident" dated March 4, 1780, is entitled:

"Proceedings for the sale of Maria Eva La Branche's plantation."

The first paper is a petition by Alexandro Baure appointing Rafael Perdomo attorney to represent his interests in the settlement of his wife's succession and an order is issued to deliver the records to Perdomo "in order that he may know what has taken place." The next entry is a petition for the sale of the plantation which had been withdrawn when offered with the rest of the property because it had not brought one-half its appraised value. After four calls, it was finally adjudicated to Jean Durel for 3500 pesos. This adjudication was followed by a proceeding which is the first use of that remedy which we have so far found in the Spanish records, namely, Baure as actual possessor of the real property thus adjudicated, petitions to compel Jean Durel to sell it to

the petitioner within the nine days prescribed by law at the same price and under the same conditions that it was adjudicated to Durel, namely, 3500 pesos, to be paid in two years and that Durel upon compliance with this demand be relieved from all further responsibility under the adjudication. Durel answers agreeing to relinquish the plantation to Baure as his request is in conformity to the law, and the Alcalde renders judgment in accordance with the prayer of Baure's petition.

Carlos Joseph Faissinet files a claim for his services as Baure's agent, as this item was not included in the taxation of costs; no objection is made and de Verges admits the claim and orders it paid. Mazange as escribano taxes the value of the services at 402 reales and the money is paid to Faissinet.

III.

In the same folio discussed in paragraph II is another proceeding entitled :

"Second file of papers in the proceedings for the inventory of Maria Eva LaBranche's estate prosecuted after the discovery of other property."

Broudin cites Alejandro Baure to declare whether there is not other property of the succession not accounted for by him.

Baure discloses some material intended for the repairs of the city house. He opposes a sale of the same on the ground the expense would exceed the value and it is agreed he shall take said material at the appraisement value.

there is some lumber and shingles which was intended to be used to repair the house in New Orleans which he has not had time to inventory and value. Broudin thereupon asks that these things be appraised and sold at public auction. The appraisement is ordered and made, but before the sale is effected Baure petitions saying that the sale would cost more than the material is worth and would be prejudicial to the succession and he is willing to agree to take the same at the same price of the appraisement. Broudin consents to this and Alcalde de Verges issues an order accordingly.

This opens with a petition filed March 17, 1780, by Francisco Broudin praying that Alejandro Baure declare under oath whether he has any knowledge of other property belonging to his late wife that has not been inventoried and appraised and whether there is anything belonging to the community between them that has not been accounted for. Baure answers

Broutin asks for the cancellation of the adjudication to him of a 13 year old slave boy on the ground he is suffering with ring-worm of the scalp and this was not disclosed at the auction.

Baure did not disclose this, thereby invalidating the sale; that it is contrary to the law to practice deception at public auction and any and all infirmities that the slave may have should be proclaimed. Broutin asks that the boy be examined by Dr. Santiago Le Duc, surgeon of the Charity Hospital and that he be required to declare under oath the nature of the malady and if the slave had not had it ever since a year, the doctor's statement to be delivered to Broutin for use at his convenience.

Three physicians are appointed to examine the boy and they report he has this malady and they fear it is incurable.

says the boy has ringworm of the scalp and for the present on account of his youth it cannot be cured, but he may get well in time. They aver that they cannot assure the court of the result of any attempted cure as he might die under treatment.

Thereupon Broutin asks to have the mulatto revalued and resold at public auction and that the costs occasioned by these proceedings be charged against Baure on account of his neglect to declare the infirmity at the previous crying. The Alcalde grants this petition and orders the mulatto reappraised and Messrs de la Place and Bijon fix his value at 300 pesos.

The sale is annulled and the boy resold at 305 pesos.

at the last call the slave is adjudicated to Juan B. Macarty for 305 pesos to be paid in one year upon giving good and sufficient bond.

IV.

A petition is now filed by Broutin calling for a certified copy of the protest made by Nicolas Verret before the late Superior Council, August 3, 1758, as curator to his minor brothers, now represented by Broutin, wherein the protestant opposes certain proceedings of Alexandre Baure in connection with the property of the late community between his father Joseph Verret and Maria Eva LaBranche Verret, which the mother of petitioner brought into her marriage with Baure.

The certified copy produced under the order here prayed

Broutin now petitions for the cancellation of the adjudication made to him at the auction sale of a thirteen year old slave boy on the ground that he has discovered the slave is suffering with ring-worm of the scalp and thereby invalidating the sale; that it is contrary to the law to practice deception at public auction and any and all infirmities that the slave may have should be proclaimed. Broutin asks that the boy be examined by Dr. Santiago Le Duc, surgeon of the Charity Hospital and that he be required to declare under oath the nature of the malady and if the slave had not had it ever since a year, the doctor's statement to be delivered to Broutin for use at his convenience.

The Alcalde orders an examination to be made by surgeons Le Duc and Jean Ruby. Before the matter is concluded three doctors examine the slave Pablo and each in a separate declaration

for, is in French, translated into Spanish for this case. It shows that litigation between the Verret children and Baure filled the Superior Council for many years. From these documents and others in this record it appears that Joseph Verret, father of the Verret children, married first Maria Bailly by whom he had one son, Nicolas Verret; after his wife's death, Joseph Verret married Maria Eva La Branche, by whom he had six sons, Joseph, Miguel, Andres, Noel, Francisco and Jean Baptiste. Verret having died, his widow, by his second marriage, Maria Eva LaBranche Verret, married Alejandro Baure, Sr., by whom she had two children, Alejandro Baure, Jr., who married his mother's niece, Marie Genevieve LaBranche, (daughter of Jean LaBranche and Susanna Marchand,) and a daughter, Marie Baure, who married Louis Lalande D'Appremont. (See La. Hist. Qy. Vol. 6, No. 4, p. 697, October, 1923, Alejandro Baure vs. Francisco and Juan B. Verret.*)

The various exhibits produced in connection with Broutin's request for a certified copy of the French documents fill one hundred pages of this folio. This series of documents begins with a protest dated July 2, 1758, by Nicolas Verret and phases of the lawsuit appear to have been before the Superior Council at its sessions of November 5th, Decembre 3, 1757, May 6th, and June 3, 1758. It was substantially an attempt by Nicolas Verret to compel Alejandro Baure, second husband of widow Verret to render an account of the succession of Joseph Verret. This matter falls properly into our Index of the Superior Council and as it will be included therein we think it sufficient for the moment to note that it was a very acrimonious litigation in which Nicolas Verret made many serious charges against Baure, but, the latter seems to have had the best of the controversy for the time being. The end of this French lawsuit seems to have been reached in July, 1758.

One of the interesting documents produced therein is a certified copy of the marriage contract between Baure and the widow Verret, which is dated August 23, 1749, and recites that Alejandro Baure is the son of Alejandro Baure and Anna Petet, both dead, native of Tozac in Kaintonge, Bishopric of Kainte and that Maria LaBranche, widow of Joseph Verret is

*The history of the LaBranche family in Louisiana has received attention from the late J. Hanno Deiler in his book *The Settlement of the German Coast of Louisiana and The Creoles of German Descent*. He shows that among the Germans who reached Louisiana on the Ship *Les Deux Freres* in March, 1721, there were two families bearing the name Zweig. One of these was Jean Zweig, his wife and a son and daughter. Deiler says the daughter married Joseph Verret and bore him seven sons, but the record of her Succession here under study shows she had but six sons by Verret. The son by Alejandro Baure accounts for Deiler's seven sons. He says the record also shows she had adopted the contemporary French alteration of her father's name from Zweig into LaBranche. Her brother, the son of the immigrant, married Susanna Marchand and his father's name presenting difficulties to the local Louisiana French Notary who drew the marriage contract, he transliterated the German Zweig—a branch—into La Branche in French, and so it remained for all time in Louisiana. See Deiler, pp. 30, 100 and 101. ED. LA. HIST. QY.

a resident of Louisiana. The friends of the groom appearing in the contract as was usual in those days were Juan B. Garic and Jean B. Durieux, called Dupre, and on behalf of the widow Verret, her brother Jean LaBranche and her nephew by marriage Michel Meilleur. We hope some day to be able to translate and print this document, as a contribution to the suit and to the social and economic history of that period. One of the features of the contract was the obligation of Baure to educate and support the minor Verret children until they came of age it was this obligation that later was at the root of a part of the litigation before the Superior Council previously referred to.

We do not find that any particular issue was raised in Mrs. Baure's succession regarding this acrimonious litigation, nor do we find any ruling or decision upon the same, and we have devoted this paragraph to it merely to indicate that there will be found here a very elaborate series of documents in good shape developing that human nature stirred by family quarrels was much the same in Louisiana in the 18th century as it is today everywhere.

V.

Broutin files another petition calling upon Baure to declare whether he has not emancipated the slave Maria and alleging that she should not have been freed. He prays that Baure be ordered to produce the act of emancipation and he does so with a certified copy thereof showing that on November 4, 1778, he freed his "creole negress Marion, age forty-five years." Broutin next files a series of petitions calling upon Baure to produce a copy of the partition of his deceased wife's property that came to her through her first husband, Joseph Verret, and also for a copy of the act of emancipation of Louisa or Louison, freed by Baure who had not been appraised or sold. The latter act is produced and shows the emancipation dated November 4, 1778. Broutin makes a similar application regarding Andres, a slave, an overseer of the plantation and Baure produces the act of emancipation, also dated November 4, 1778. The certified copy of the partition of the estate of Joseph Verret is produced, dated September 12, 1761, showing an estate aggregating 81,463 livres, 13 sols, 8 dernes, of which the widow Verret, wife of Baure received 40,781 livres, 17 sols and each of the seven children 5819 livres, 6 sols, 8 dernes.

After getting these papers before the court Broutin by petition claims that Baure did not have his wife's consent to the emancipation of the three slaves hereinabove referred to and he asks that one-half of their value be included in the estate of the mother after they have been appraised and sold at public auction thereby giving Baure the opportunity to buy them and give them their liberty from his own money. On

the hearing of this issue Alcalde Jacinto Panis on the advice of Postigo, the official assessor of the province, condemns Baure to pay one-half of the price at which the slaves were valued and since they were community property and cannot be freed by him except to the extent of one-half their value which he had the right to dispose of the same must be appraised. This is followed by an appraisement by de la Place and Bijon who report that after examining Louison and Andres, both aged 62, they find them useless for work because of their advanced age. Marion, they say, is languid, is sickly, has a bad color and an infirmity of the chest and they value her at 200 pesos. The inevitable taxation of costs of proceeding is made February 14, 1781, at 262 pesos, 4 reales.

The active Broutin now petitions for an order to Alejandro Baure as guardian of his late wife's estate to file an account and sworn statement. The latter does this presenting many interesting vouchers, among them a certified copy of an act of sale dated September 28, 1770, whereby Baure sells a house and lot to Juan Chapene, called Lionais, which we have noted in this index (La. Hist. Qy. Vol. 6, No. 3, page 527), the house being situated on Royal and Dumaine, adjoined on one side by Simon Chene and on the other by Mr. Lambert.

According to Baure's account the recapitulation shows the following:

Assets	49809 p. 7 r. $\frac{1}{2}$ m.
Charges and deductions.....	13400
Liquid remainder	36409 p. 7 r. $\frac{1}{2}$ m.

The Alcalde sends this account to the other parties, and it is opposed by Francisco Verret in his own name and on behalf of his brothers and co-heirs, whose power of attorney he presents, executed in Cap Francais, Island of Santo Domingo, February 5, 1781, and he recapitulates the estate as follows:

Assets	49896 p. 7 r. $\frac{1}{2}$ m.
Charges and deductions.....	10432
Liquid remainder	39464 p. ,7 r. $\frac{1}{2}$ m.

Baure's son-in-law, D'Apremont, on behalf of his wife, Maria Baure, files an opposition and recapitulates the estate as follows:

Assets	48902 p. 1 r. $\frac{1}{2}$ m.
Charges and deductions.....	12649 7
Liquid remainder	36252 p. 2 r. $\frac{1}{2}$ m.

Broutin takes his turn in an opposition and recapitulates the estate as follows:

Assets	48830 p. 7 r. 1/2 m.
Charges and deductions.....	10500
Liquid remainder	38830 p. 7 r. 1/2 m.

Baure in answer to these oppositions among other things claims that a charge of 4000 pesos made by the opponents should not be carried against him as this was money given to his son and to his daughter at the time of their marriages and was a part of their dowries. Broutin replies acquiescing in this particular contention, and finally, on joint action of all the parties the issue is decided by Alcalde Jacinto Panis acting on the advice of Postigo, the official treasurer and a definitive judgment is rendered October 3, 1782. In substance the decision relieves Baure of the charge of 4000 pesos paid to his children as dowry during the life of his deceased wife, but is held responsible for various amounts representing the product of property inventoried and sold as claimed by the heirs and the estate is summed up in this decision as follows:

Full amt. of the body of the estate...	49809 p. 6 r. 1/2 m.
Full amt. that has to be deducted...	10582 3 1/2
	39227 p. 3 r.

Another taxation of costs on this proceeding amounts to 99 pesos, 3 sols and 1/2 maravedi.

Further proceedings result in deductions and there remains to be divided 33796 pesos, 3 1/2 reales, and this is apportioned in two equal parts of which one-half, 16896 pesos, 1 real, 25 maravedi goes to Alejandro Baure, Sr., and the other half is divided into eight equal shares, one for Alejandro Baure, Sr., according to the donation made to him by his wife in their marriage contract, and the other seven parts go to the children, giving each 2112 pesos, 2 reales, 7 maravedi. There is also a provision that to the shares of each of the seven children from the mother's dowry must be added 775 pesos, 6 reales, 11 maravedi, bringing the amount coming to each, up to 2888 pesos, no reales and 18 maravedi. It is also provided that out of the portion to Alejandro Baure, Jr., and also out of that of Mrs. D'Apremont must be taken 2000 pesos that their father declared he had given to them at the time of their marriages, thus reducing their portions to 888 pesos, 0 reales, 18 maravedi. Then to the parts belonging to the two Baure children must be added 100 pesos each due from their mother's dowry making 988 pesos, 0 reales, 18 maravedi.

This 200 pesos must be deducted from Alejandro Baure's part, thus reducing his share to 16698 pesos, 1 real, 25 maravedi.

Baure applies for a rehearing on this division, claiming that it is not correct, but all parties seem to have tired of the matter and the record ends with a taxation of costs by Louis Liotau under order of the Alcalde and Estevan de Quinones who has prepared the act of partition claims and is granted 809 reales in compensation for his services.

We have attempted in this digest of the foregoing litigation to reduce the matter within as brief a compass as possible, but the result is nevertheless quite formidable. It remains however, a very curious record and one well worth study by any one interested in the Spanish procedure for the settlement of intestate successions.

September 30.

**Petition to sell land
situated on the Acadian
Coast belonging to the
minor children of the late
Gorfe (Godfrey)
Urquhart.
No. 3624. 5 pp.
Court of Alcalde
Pedro de Verges.
Assessor, Postigo.
Escribano, J. B. Garic.**

This is our first meeting with Daniel Clark in these records. His uncle, Daniel Clark, Jr., was a prominent figure in the closing years of the Spanish Era and in the Early American Period. It may be however that the Daniel Clark here appearing is the Jr. of the period mentioned.

of the minor children of Gorfe Urquhart, to sell immediately as the plantation is deteriorating and the money realized from the sale can be better invested.

De Verges on Postigo's advice grants the order to sell the plantation.

**November 9.
Intestate Succession of
Marie Rose de Verges,
wife of Salomon Prevost,
inventory and valuation
of the estate.**

Dona Angelica Monsanto, widow of Gorfe Hurquart (Urquhart) curatrix of her minor children, applies for authority to sell the plantation that belonged to the decedent at the Acadian Coast about twenty leagues from this city. It is daily deteriorating and they have found a purchaser who is willing to pay 400 pesos more than its appraised value. This money put out at interest would yield a larger revenue for her children than by holding the plantation. De Verges on Postigo's advice calls witnesses to testify whether it is to the best interests of the minors to sell. Daniel Clark,* Andres Bodaille and Adrien de la Place each in a separate declaration expresses the opinion it is to the advantage

The decedent was the wife of Solomon Prevost, nephew of Jean B. Prevost whose Succession was opened in 1779, just before the arrival of O'Reilly. (See La. Hist. Qy., Vol. 9, p. 411, 1926.)

No. 3597. 31 pp.
Court of Alcalde
de Verges.
Assessor, Doroteo del
Postigo.
Escribano, Leonardo
Mazange.

Broutin, appointed curator ad lites to the minors, Prevost, stirs up much litigation with their father but takes nothing out of it as it appears the deceased wife had no dowry and that all the property belonging to her husband was his separate estate.

daughter of Guillermo (William) Duverges and Maria Rosa Buisson, his wife.

The file opens with the official notification of the death of Rosa Deverges Prevost, leaving minor children. A burial certificate is produced signed by Father Cyrillo de Barcelona and the Escribano notes that this was paid by him and cost one pesos. The keys of the decedent's home are collected, and seals placed upon the effects. A search for her will is ordered and none found, whereupon Francisco Broutin is appointed curator ad lites to the minors and the remainder of the record is made up with litigation conducted by Broutin against the father of the children. These proceedings are:

1. A petition for an inventory of the property of Salomon Prevost on the allegation that his deceased wife was in community, besides her rights under her marriage contract. At this point Prevost appears (apparently for the first time) and asks for the removal of the seals "put on his house by reason of his wife's death" and in derogation of the law which does not permit such measures when the other party to the marriage has brought nothing to the community. He alleges that all the property is his own and for him to administer. On this issue the court revokes the order for an inventory and removes the seals.

2. Broutin next moves for the production of a copy of the marriage contract between Prevost and Maria Rosa Deverges and this being produced, shows that it is therein declared that the future bride brings no dowry to the marriage and contributes only the expectation she has as an heir of her father and mother. The future groom on his part brings to the marriage a plantation and slaves valued at 3,000 pesos.

3. With this before him Broutin files a petition alleging that as Prevost has opposed the making of an inventory he

Solomon Prevost was one of the legatees of his uncle and he figures in several cases in which he recovered monies and property belonging to his uncle's estate. (See La. Hist. Qy., Vol. 9, 143, January, 1926, and Ibid 10:590, Oct. 1927.) From the record under study here it appears that Salomon Prevost married Marie Rose de Verges, and the marriage contract, dated November 20, 1775, declares that the former is a native of Paris, son of Francisco Prevost and Maria Rossigns, his wife, and the latter is a native of New Orleans,

should now be compelled to prove that his wife brought no dowry and received none during the marriage. Prevost meets this plea with Interrogatories to be propounded to certain witnesses, namely, Pedro Marigny, Juan Mercier and Santiago L'Archeveque, the latter answers under the name of Francisco Larche. The questions and answers are as follows:

1. Q. Is it not true that during his married life with Maria Rosa deVerges he lost twenty-three slaves?
A. Marigny says he lost many slaves, but he does not know how many. The other witnesses say the question is true in all it contains.
2. Q. Is it not true that for two consecutive years because of the overflow he lost his crops?
A. This is true.
3. Q. Is it not true that during this time he lost more than a hundred head of cattle?
A. They know that he lost many of his cows, but they do not know how many.
4. Q. Is it not true that he has not sold any effects during his married life?
A. He has sold the houses, as it is said, for the Government to Martin Navarro.
5. Q. Do they know if he owes any debts?
A. They do not know.

4. But Broutin has not yet shot his last arrow; he returns to the attack with a new plea that the foregoing testimony does not make clear what belongs to the minors. In substance he contends that:

According to the marriage contract Prevost brought 3,000 pesos to the community as the just price for the plantation and slaves, one half of this should belong to his late wife. To meet the testimony of the witnesses that Prevost has lost many slaves, Broutin asks that he be ordered to produce their burial certificates as is customary according to law. He alleges further that Prevost valued his estate at 3,000 pesos, but since that time it has increased very much, this should be to the benefit of the minors. Buildings have been put up and a part of the plantation sold to various persons, besides his crops of fruit and vegetables and his surplus cattle have also been sold, so what he has lost is nothing in comparison to what he has made with his milk and the cattle he has slaughtered. Prevost makes no mention of a house he sold in the city said to have brought 8,000 livres. He has not shown what should be the minor's share nor given any security for it. As curator he again asks for an inventory.

On this issue, Postigo, the Assessor, advises and the Alcalde (whose name strangely was de Verges) rules that an inventory is not necessary as Mrs. Prevost had no dowry and acquired nothing afterwards, but with this wise conclusion he adds that the costs must be paid by Prevost and Manuel de Armesto taxes the whole at 42 pesos which includes fees to Broutin for creating all this litigation.

November 13.

Jeanne Darbanne, wife of Francisco Manne, petitions to annul a donation made by her husband, without her consent, of all of his estate to his grand-children.
No. 3597. 31 pp.
Court of Alcalde
de Verges.
Assessor, Doroteo del Postigo.
Escríbano, Leonardo Mazange.

The title of this file correctly states the nature of the action, but the issue as stated there was presented in Mrs. Manne's answer. The case is oppressed with verbose pleadings but in substance presents only one point, namely, whether a husband without the knowledge and consent of his wife, could donate inter vivos the common property to his grand-children.

The court held he could not do this and revoked the donation.

died leaving five children, many debts and a small estate insufficient to pay the creditors. The Baron children (petitioner's grandchildren aforesaid) thereupon abandoned the estate of their father and mother in favor of petitioner and her husband on condition they would pay the debts of the decedents. This was by written agreement before the Commander of Pointe Coupee. (See Succession of George Baron, La. Hist. Qy. Vol. 9, No. 4, p. 464.) This agreement was fulfilled by the grandparents as will appear from the inventory of the estate of their son-in-law in Don Almonester's records.

On October 22nd, of the present year her grandchildren persuaded her husband to cede all of his property to them,

The issue is best presented for our purposes by reversing the order of the pleadings. In her answer, Juana (probably Jeanne) Darbane (Darbanne) says that she married Francisco Manne in Natchitoches and their marriage contract was executed before Senor San Dionisco (Juchereau St. Denis), Commandant of that post. Her husband was 46 years old and had always been a soldier and had no property at the time of her marriage. She, however, had nine negroes and some money as is shown by her marriage contract. With the help of her dowry they accumulated other property as common holdings.

She further alleges that they had children but only one grew up, a daughter who married George Baron and they gave to her and her husband a house adjoining theirs and extended help in every way possible to increase their property. In due course the daughter and her husband

before the Commander of the Post at Opelousas, thus annulling at the same time the act by which the grand parents had been left the enjoyment of George Baron's estate. This cession is null for the want of legal formalities, the greatest of which is that it lacks her consent and was executed while she was at Pointe Coupee as appears by the certification at the end of the copy of the act which states that her husband assured them of her consent in case the law required her signature.

She further alleges that within fifteen days after the execution of this act and without seeking her consent the grandchildren applied to the Commander at Pointe Coupee to cause themselves to be put in possession of all the said property.

"This action made her resolve to come to the City to appeal to the justice of Governor Galvez and to petition him to revoke and annul the said donation and to make it appear as null by law and right."

The petition to which this answer was filed was presented by George Baron, Pierre Decoux and J. Pierre Le Doux, who say that in their own behalf and as the husbands of Marie and Margeurite Baron, they are the beneficiaries of an act of abandonment that was made in their favor on October 22, 1779, by their grandfather, Francois Manne, of his own property and of the property that should come to them from the Succession of their father and mother, Mr. and Mrs. George Baron, the latter being the daughter of Manne.

They allege that on October 6th they petitioned de Grandpre, Civil and Military Commander at the Post of Pointe Coupee to compel their grandmother, Mrs. Manne to deliver to them the property aforesaid in accordance with the agreement of her husband executed before Chevalier de Clouet, Commander of Opelousas and Attakapas.

They further say that their grandmother has come down to the Capital to find some way to avoid fulfilling her husband's arrangement aforesaid, notwithstanding he is unable to manage the property and on account of her great age their said grandmother cannot manage it herself. This plea they formulate in naive shape saying they have come into the Governor's Court

to try to prevent their grandmother from continuing to direct the management of an estate that no longer belongs to her and which was only accorded to her in consideration of her husband who had always worked for his grandchildren and now that he is old and can no longer take care of a place of such importance the lady refuses to conform to the will of her husband.

They further allege that one of the petitioners, George Baron was a minor at the time of the transfer of his father and mother's estate to his grandfather and grandmother Manne, and did not consent to it.

Galvez on Postigo's advice decrees:

Let the escribano of this cause issue a despatch to the Commander of the Post at Opelousas, Alejandro de Clouet and let him revoke the donation that was made before him by Francisco Manne, of all his property to his grand children without the consent of his wife, Juana Darbanne as this is prohibited by law and he can only make a donation in favor of his children or grand children of a one-fifth part. Any sale to be, or that has been made by the grand children of Mr. and Mrs. Manne, is annulled. Let a despatch be also issued and sent to the Commander of Pointe Coupee, Carlos de Grandpre so that he may comply with this order.

(Signed) Bernardo de Glavez, Juan del Postigo.

A marginal note states that the despatch that was ordered has been delivered to the party. This closes the record.

November 15.

**Intestate Succession of
Alexandro Baure, Jr.,
inventory and valuation
of his estate.**

No. 16. 177 pp.

Court of Alcalde
de Verges.

Assessor, Juan del
Postigo.

Escribano, Leonardo
Mazange.

defender of the children who must give bond. Mrs. Baure is absent and can not be notified. Broutin accepts and names Fernando Rodriguez as his surety. He then petitions for an order for an inventory and appraisement, by public experts, of all the property left by Alejandro Baure. The appraisers named are Adrien de la Place and Francisco Bigon (Bijon) both of whom accept and qualify. Genoveva La Branche accepts the office of tutrix to her minor children giving Fernando Rodriguez as surety. The necessary order appointing her to the charge is signed.

Genoveva La Branche, (Mrs. Alejandro Baure, Jr.,) is ordered to name her attorney and she appoints Raphael Perdomo, with Adrien de la Place as her appraiser.

This succession opens in the usual way with the official announcement of the death; the certification to it by the escribano; collection of the keys; search for the will but none is found. The deceased died on his plantation, five leagues above the city, going up the river on the same side. He left minor children. His wife, Doña Genoveva La Branche, is appointed tutrix and Francisco Broutin

Broutin complains he went to Mr. Baure's plantation house with the Alcalde and a minister of Justice to make an inventory and appraisement of all the property found there. When they arrived the main house was almost entirely empty of movables and other effects. The Alcalde ordered Alejandro Baure, Sr., whom he met in this house to answer the questions in the following interrogatory and to deliver his answers to Broutin to be used at his convenience.

1. Q. Why did he remove all the movable effects that were in his son's main house?
A. He removed them to send them to the widow of the deceased thinking that he must do so, not wishing to prejudice any one.
2. Q. How did he carry them, was it in a pirogue or boat?
A. He sent them in a cart.
3. Q. How many negroes did he employ to row the pirogue, or boat to take the effects from the said house, what day did he send them and what were the negroes' names?
A. He sent them by Mr. Cheval, he does not remember the day that he took them away, nor does he remember the names of Cheval's negroes.
4. Q. Why did he take away the movables when he did not have the power nor authority from the Judge of this cause?
A. As the father he thought he had sufficient authority, thinking that he prejudiced no one.
5. Q. Why did he not supply a bed for the ministers of Justice since he was advised several days before that they were coming to take the inventories?
A. He had none.

Broutin prays that Baure be ordered to put the things back where he found them and it is so ordered.

These preliminaries over, the inventory is begun on the plantation, five leagues from New Orleans in the presence of Alcalde Pedro de Verges, Escribano Leonardo Mazange, Francisco Broutin and Rafael Perdomo, attorneys, Adrien de la Place and Francisco Bijon, appraisers. The estate consists in live stock, house furnishings, a violin, wearing apparel, tools, utensils, slaves, silverware, table furnishings, gold jewelry, provisions, lumber, buildings and a plantation measuring 7 arpents front by 40 deep adjoined on one side by his father, Alejandro Baure, Sr., and on the other by Juan Arnoul. The inventory finished they returned to the city. All proceedings for leaving and returning are duly recorded.

Broutin asks to have the silverware and gold appraised by an expert silversmith. Jacobo is appointed and values the silver weighing half a pound at 8 pesos. Broutin then asks that

the widow Geneveva La Branche Baure be ordered to testify whether there is any other property besides what has been inventoried and if so where and what is it. Under oath she says that nothing remains to be inventoried left by her late husband.

Broutin presents four questions to be answered by Francisco Cheval

1. Q. Is it not true that he sold Mr. Baure, Jr., some sheep?
A. Yes.
2. Q. How many sheep did he sell, when and at what price?
A. It is true that he sold Mr. Baure, Jr., 13 ewes and a ram last November at the rate of 3 pesos for each one.
3. Q. At what time did he make the delivery of the sheep to Baure Jr.?
A. When he sold them he made the delivery.
4. Q. Did he sell any sheep to Alejandro Baure, the father, if so at what time and for how much?
A. He has not sold any live stock to anyone except Mr. Baure Jr.

Broutin now asks that the inventory be approved and all parties ordered to abide by it and that Alcalde de Verges interpose his authority and judicial decree to this effect. This petition is ordered sent to the other interested parties. Mrs. Baure, Jr., also petitions an approval of the inventory and appraisement of the estate. Alcalde de Verges rules with the consent of the parties he approves.

Mrs. Baure then petitions to have the estate adjudicated to her at the price of its appraisement, offering to give full and ample bond for the property, because if put up for sale at public auction it would cause a great loss to her children on account of the costs. She asks the Court for the greater validation of this adjudication to interpose its authority and judicial decree. This is sent to the other interested parties. Broutin fails to answer, and after two petitions from the widow and the same number of rulings by de Verges, on the advice of Assessor Postigo the Court orders the adjudication made to the widow, who is also tutrix to the minors at the price of its valuation and that she will be held responsible for it and can not dispose of anything without judicial permission and that the costs of the case be taxed. Manuel Armesto qualifies as tax assessor, but before making this taxation, Broutin presents a petition, saying the estate having been adjudicated to Mrs. Baure, Jr., will the Court order her to make clear what belongs to the minors and that she present her account and sworn statement of the expenditures she has made for the succession. The case has now passed into the Court of Alcalde

Jacinto Panis and he orders Mrs. Baure to present her account and sworn statement within fifteen days. On March 6, 1781, Armesto taxes the costs of the case at 350 pesos, 3 reales.

Mrs. Baure, Jr., through her attorney, Rafael Perdomo presents five vouchers and gives her account and sworn statement:

Recapitulation

Assets	8619	2
Charges and deductions.....	595	7
Liquid remainder	8023	3

Broutin contests this accounting and gives his statement as:

Recapitulation

Assets	8633	4
Charges and deductions	625	7
Liquid remainder	8007	5

She adds a note that when the escribano makes the partition, let him state what will belong to the minors' mother, Geneveva La Branche, (Mrs. Alejandro Baure, Jr.,) and what will pertain to the estate of Maria Eva La Branche, (Mrs. Alejandro Baure, Sr.,) in the succession of Alejandro Baure, Sr., the minor's grand father. She further asks this account and sworn statement be approved and the parties ordered to abide by it; the escribano to draw up the form of partition. Alcalde Panis orders the parties to proceed with the making of the partition of the estate left at the death of Alejandro Baure, Jr. He further orders the costs to be taxed for his account and sworn statement to be paid by Mrs. Baure. These are taxed at 50 pesos, 3 reales.

Raphael Perdomo presents two certified copies of French documents to be translated into Spanish. This is done by Pedro Cowley. The first is a receipt dated April 16, 1779, for 4100 pesos paid to Mr. Baure, Jr., by his father, signed before Commander Francois Seimars Bellile in the presence of Messrs Mermillon and Pierre Etiez. This sum is derived from several sources, 2000 pesos counted to him as dowry according to his marriage contract of March 20, 1777, 2100 pesos from his deceased uncle, Pierre Baure, who died in Saint Onge belonging to his aunt, Miss Marguerite Baure, of Saint Onge, who turned it over to Baure for his son. This 2100 pesos was in different effects such as money, slaves, etc.

The second translation is the marriage contract before Francois Seimars Bellile, Commander and Judge of the G-

man Coast in the presence of witnesses. The contracting parties were Alejandro Baure, Jr., native of New Orleans, resident of Cannes Brulle, aged twenty-four, son of Alejandro Baure, also of Cannes Brulle and Marie La Branche, and Genevieve La Branche, native of St. Charles of the German Coast, daughter of Mr. Jean La Branche also a resident of the German Coast and his wife Susanne Marchand. Sponsors for the groom were Pierre Trepagner and Mr. Cheval and for the bride, Messrs de Kernion and Meuillon. Mr. Baure gives his son in "avancement douaire" 2000 piastres and Mr. Jean La Branche gives his daughter 600 piastres. For the surety of these sums the two fathers give a mortgage on all their present and future property.

Marie Genoveva La Branche, widow Baure then petitions that as a partition of her husband's estate has been ordered she asks that Andres Armesto, who has been commissioned for this work, will take into consideration the amounts stipulated in the marriage contract and receipt and make the partition accordingly.

The partition is made and Marie Genevieve La Branche, Mrs. Alejandro Baure receives 2061-2½; Louis Baure receives 1780-6¼; Jean Baure receives 1780-6¼.

Broutin asks the partition be approved as there are no contradictions to be made as it is in order and well drawn up. This ends the record.

November 27.

Succession of Alejandro Senet, also called Jean Baptiste Senet, inventory and valuation of his estate.

No. 3622. 101 pp.
Courts of Alcaldes
de Verges, Forstall
and Dufossat.
Assessor, Postigo.
Escribanos, L. Mazange
and Fernando Rodriguez.

Alcalde de Verges gives official notice of the death of Alejandro Senet, stating he leaves minor children. He orders the keys collected and these are in turn delivered to Maria Josepha Dauphin, the widow. The next entry is the burial certificate wherein the deceased is called Juan Bautista Senet. This is signed by Father Cyrillo de Barcelona. The will found in Don Andres Almonester's Archives, is filed. The testator declares that he is named Juan Bautista Senet, son of Juan Bautista Senet and Maria Josepha Salome, born in Ville de Abresta in the Kingdom of France. That about twenty years ago he married Maria Josepha Dauphine by whom he has six children, Rosa, aged 14, Juan Bautista 12, Victoria 10, Honorato 8, Eugenio 6, Julia 2. That their marriage contract before Chantelou, notary, stipulated what each one brings to the community. That he has very little property of his own. There is a plantation 11 arpents front by 40 deep, two leagues from the city on the other side of the upper river, adjoined on one side by Juan

Bautista Flouriau and on the other by Santiago Doufaint (Dauphin) with fifteen slaves. He has no debts and nothing is due him. He names his wife tutrix and curatrix and relieves her of giving bond and also appoints her testamentary executrix. He names his six children his sole and universal heirs.

Alcalde de Verges appoints Raphael Perdomo curator ad lites to the Senet minor children, who accepts and prays for an inventory. Mrs. Senet appoints Broutin her attorney and also asks for an inventory. Perdomo names Adrien de la Place as appraiser and the widow names Francisco Bijon, both appointments are acceptable to the Court and the appraisers qualify.

On May 23, 1780, a party consisting of Alcalde Pedro de Verges, Leonardo Mazange, escribano, Perdomo, curator for the minors and also their attorney, Broutin, attorney for Mrs. Senet, and de la Place and Bijon appraisers take a pirogue to go two leagues up the river to Mr. Senet's plantation to make the inventory and appraisement of his estate. This shows buildings and land, table furnishings, wearing apparel, a French Dictionary, in two volumes, (valued at 2 pesos, 4 reales). Two books on surgery, valued at 1 peso, a gun, provisions, (corn and rice), lime, etc., tools, live stock, slaves, papers, etc., (letters, notes and contracts). Returning to New Orleans another inventory was made of property there submitted, namely a house on Conti street, between the property of Francisca Macarty and Mr. Chavert. Mrs. Senet states that a negro, named Juan Pedro, a hunter, was not inventoried and appraised with the others as he was away. He is now in the city, and a value should be placed upon him before he returns to Mobile. The appraisers value him at 650 pesos.

The inventory is approved with the consent of all parties interested and the Alcalde de Verges rules; "That with the consent of the parties he approves the inventory and condemns all to abide by it." Perdomo on behalf of the minors asks for the sale of the estate at public auction. The widow objects on account of the insignificant estate and the cost of a sale. If sold the interest on the price would not be enough to feed and clothe her children. She asks the estate be adjudicated to her at the price of its valuation so that she can support her children and herself. The Court grants this prayer. Andres Arnesto taxes the costs on March 7, 1781, at 225 pesos, 7 reales.

The case now passes to the Court of Alcalde Dufossat where Mrs. Senet presents her account and sworn statement:

Recapitulation		
Assets	9875	2
Charges and deductions	605	2
Liquid remainder	9270	-

A note stipulates that when the escribano draws up the partition of the estate she will present, to be included in it, her dower rights in conformity to her marriage contract as her late husband has declared in his will. Perdomo the curator contests her statement claiming it should be:

Recapitulation

Assets	9875	2
Charges and deductions	635	2
Liquid remainder	9240	-

Alcalde Dufossat approves the account and sworn statement presented by Francisco Broutin for Mrs. Senet and orders all to abide by it. The costs for the last proceedings are taxed at 74 pesos on June 9, 1781.

September 4, 1784, Maria Josepha Dauphin, widow Senet, petitions before Alcalde Francisco de Reggio substituting for Alcalde Forstall for a partition of her husband's estate by Luis Liotau, "contador judicial." March 7, 1785, Alcalde Forstall rules that this cause has not taken its due course because of a lack of a curator ad lites to defend the minors after the renunciation of this office by Francisco Broutin (should be Rafael Perdomo). He names Antonio Mendez, his successor, Antonio Mendez qualifies, giving Miguel Gomez as his surety. He asks Mrs. Senet to present her marriage contract which is in French and is afterwards translated into Spanish.

The marriage contract is dated Feb., 1756, and recites the appearance before Notary Chantalou Jean Baptiste Senet, son of Jean Baptiste Senet and Marie Salome, both deceased, a native of New Orleans, minor emancipated; and Marie Josephine Dauphine, minor daughter of Jean Joseph Dauphine and Marie Anne Meunier. The relatives participating on behalf of the groom are his grandfather Daniel Raflaud, and Louis Drouet, his uncle by marriage and curator. For the bride, her mother, Marie Dauphin, her brother-in-law Adam Verdun, and Jean Mouget Latime, her special tutor. The witnesses are Charles Tizonneaux and Joseph Songy. The bride's dower is stated to be her share in her parents' successions of which one-third is to be community and the other two-thirds remain her own, besides 400 livres at which her movables and clothes have been valued. The future husband makes a donation to his bride of 1000 livres of dowry, paid once.

Antoino Mendez now asks that the legal accountant make the partition. The records ends here without a division of the Senet estate.

November 30.
**Intestate Succession of
 Catarina Poupar, wife of
 Pedro de Verges, inven-
 tory and valuation of
 her estate.**

No. 3615. 58 pp.
 Court of Alcalde
 Pedro Piernas.
 Assessor, Juan Doroteo
 del Postigo.
 Escribano, Leonardo
 Mazange.

Francisco Broutin, attorney, petition saying that their mother, Catalina Poupar, wife by second marriage of Pedro de Verges has died and that it is convenient to their rights to have their said step-father render an account of their paternal and Maternal estates. Being minors they name Francisco Broutin their curator ad lites, whose appointment they ask to have confirmed. Piernas grants the petition ordering Broutin to accept, take oath and give bond. He qualifies, naming Nicolas Fromentin surety. Piernas issues letters of curatorship confirming Broutin to his office as curator ad lites to the minor children of Catalina Poupar by her first marriage.

Pedro de Verges through his attorney, Rafael Perdomo asks an inventory made of his wife's estate. Alcalde Piernas orders this to begin on the following Monday. De Verges names Adrien de la Place as his appraiser and the curator names Francisco Bijon, both accept and qualify and the Alcalde confirms the appointment. De Verges further petitions saying his wife has left three minor children of her marriage with the petitioner who because of their extreme youth must have their rights represented, therefore he asks that a curator ad lites be named for them. Petition granted and Piernas names Fernando Rodriguez to the office, who accepts, takes oath and gives bond and is confirmed in the office of curatorship. On his application the records of the case are delivered to him. He returns them expressing himself in full accord with what has been done, and asks that the day be fixed for the taking of the inventory. The Alcalde names the day following.

On April 11, 1780, in the presence of Alcalde Pedro Piernas, the escribano, Leonardo Mazange, Francisco Broutin, curator to the minor Griffon children, Fernando Rodriguez, curator to the minor de Verges children, Rafael Perdomo, attorney for de Verges, together with the appraisers, de la Place and Bijon begin taking the inventory of the estate. House furnishings, table service, slaves, live stock, papers, etc. Among these papers is an inventory of the property left by Antonio

Alcalde Piernas declares that he has just been notified of the death of Mrs. Pedro de Verges, who has left minor children. He went with Leonardo Mazange to the house where she had died to collect the keys for the security of the estate. Pedro de Verges handed over the keys and asks the Alcalde to certify to his wife's death.

Carlos, Daniel, Catalina Victoria, and Maria Griffon through

Francisco Broutin, attorney, petition saying that their mother,

Simon Griffon Danneville, first husband of Catalina Poupar, marked "A". Inventory of the estate of Catalina Poupar on May 5, 1769, during her widowhood, marked "B". Marriage contract of Catalina Poupar with Antonio Griffon Danneville marked "C", before Notary Henry, July 10, 1751.

The inventory shows an act of sale for a house, a receipt for payment of fees due for the marriage of Catalina Pauper with Pedro de Verges, other receipts and notes and a copy of Catalina Poupar's marriage contract with Pedro de Verges, dated May 4, 1769, a title deed to a lot, or islet, 50 toises square with a house without a roof damaged by the late hurricane, also for a lot of ground corner of Toulouse and Bourbon Streets with a house on it and a lot of ground 58 feet front on Conti Street with improvements and a house and lot on Royal Street.

On Broutin's application the wrought silver found among the effects is appraised by Jacobo, a silversmith, at 326 pesos, 6 reales. A run away negress named Perrine has returned, and Broutin asks for an appraisement of the woman by the public appraisers to be sold with the rest of the estate. She is appraised at 400 pesos. Alcalde Piernas with the consent of all parties approves the inventory and orders all to abide by it.

Broutin in a petition saying that the houses inventoried were so damaged by the hurricane of August 24, 1779, that they can not be sold at price of their valuation. He asks for a reappraisement and Alcalde Piernas orders this done by de la Place and Bijon. This next estimation is approved by Alcalde Piernas on Assessor Postigo's advice.

Broutin as curator ad lites to the minor children of Antonio Griffon Danneville and Catalina Poupar all emancipated, alleges that all property left by their late father is not enough to pay his debts, nor was there sufficient for this purpose when their mother married Mr. de Verges. In consequence he asks that all property inventoried in this succession be adjudicated to his clients at the price of its valuation except what belongs to Mr. de Verges to avoid the costs a sale would impose. The other parties are notified and they make no appearance, thereupon he asks that all inventoried property be sold for cash and the share belonging to the emancipated minors be turned over to them, de Verges answers saying that during his married life with Catalina Poupar he received various sums of money from the successions of his parents amounting in all to 17776 pesos. With this he bought an islet (square of ground) a little negro boy, a mulattress named Mariana and her son, but the child died. These all belong to him solely and by right. He wishes them delivered to him at the price of their valuation, at the same time the other houses in the city are adjudicated to the heirs. The rest of the movables and negroes to be sold for cash so as to effect a partition.

Broutin consents to the adjudication of the islet, the negro and the mulattress at the price of their estimation on condition that there be adjudicated to the minors the remainder of the houses, slaves, movables, wrought silver, etc. The other property is not sufficient to satisfy the claims of their paternal and maternal estates, but to avoid costs of a sale and for no other reason he will consent to the adjudication by the same to his clients.

Pedro de Verges answers reiterating his plea for the island, negro and mulattress. Alcalde Piernas on the advice of Postigo adjudicates these items to de Verges.

Curator Fernando Rodriguez states the case is concluded and the costs shall be taxed. This is done by Manuel Andres Armesto at 148 pesos, 2 reales.

Broutin petitioned saying that his minors, all emancipated have made a settlement with their step-father, Pedro de Verges for their paternal estate so as to avoid law suits and costs. He asks this settlement be executed before a notary and a copy filed herein and that all be ordered to abide by it, with the Court interposing its authority and judicial decree. Alcalde Piernas renders judgment according.

A certified copy of this settlement, or compromise is filed. It shows that on December 22, 1780, Pedro de Verges and his step-children settled their affairs as follows viz, Carlos Griffon, Daniel Danneville Griffon, Maria Victoris Griffon, Maria Josepha Danneville, children of Antonio Griffon and Caterina Poupar, stipulate that Pedro de Verges must pay all debts contracted during his married life with their mother and on their part they consent that he shall receive an islet on which a house had been built where Mr. de Verges had died also 4 slaves besides the mulattress and the little negro boy, two mules, a cow and calf also certain table and house furnishings as per an itemized list. The Griffon heirs to receive the remainder of the estate as per inventory besides 467 pesos due the estate by Salomon Prevost for a slave sold to him.

December 10.
**Succession of Juan B.
 Garic, inventory and
 valuation of his estate.**
 No. 3600. 108 pp.
 Court of Alcalde
 de Verges.
 Assessor, Doroteo del
 Postigo.
 Escribano, Leonardo
 Mazange.

Garic's death is officially announced, note made of his minor children, his death verified by Mazange, the keys collected and a copy of the will filed, which is dated October 8, 1779, and recites that Juan Baptista Garic was born in the city of Churac, in the Province of Languedoc, Kingdom of France, son of Juan Garic and Antonia Proyet, both dead.

The decedent had held the office of Escribano from the beginning of the Spanish regime, until his death.

This record shows that he left only a small estate.

The inventory shows the contents of the office (Escribano) held by him. This is a valuable document as it is the first description of this kind appearing on our Spanish Records.

his second wife executed a marriage contract before Joseph Fernandez, notary, who was acting pro tem in the present escribano's office. In this contract it is stipulated that his wife brought 4100 pesos as advance dowry for which he gave her a receipt as a formality, but in truth he did not receive such a sum nor anything but a little negro girl, named Martha, aged fourteen, valued at 250 pesos. This statement his wife corroborated before the present escribano when she was seriously ill in June of last year. Therefore it is his wish that this part of his marriage contract be considered as null and void, all the rest that it contains must be held in full force and vigor. He owes several small debts to a few persons these he wishes paid when proven legitimate. He names as guardian of his estate and tutrix and curatrix ad bono, his wife, Estefania Guyon, because of the confidence he has in her and relieves her of giving bond. He names his four children as his universal heirs, share and share alike. He appoints in the first place as testamentary executor, his wife, Estefania Guyon and in the second, Estevan Nuismand de Vaugine.

The Court appoints Francisco Broutin curator ad lites for the minor children. He accepts and qualifies without naming a surety (space left blank for the name). Broutin thereupon petitions for an inventory and appraisement of Garic's estate. The Alcalde orders this done by Adrien de la Place and Francisco Bijon. This inventory is taken in the presence of Alcalde Pedro de Verges, Escribano Mazange, Adrien de la Place and Francisco Bijon. The estate consists of table and house furnishings, swords, wearing apparel, provisions, cloth materials, lumber, tobacco, guns, bottles of beer and wine, slaves, carts, horses, a house on Conti Street on a lot measuring 70 feet front by 240 deep. Broutin asks to have the wrought silver appraised by a silversmith and Alcalde de Verges orders Jacobo to put a value on these articles. He values them at the rate of 8 pesos according to the standard of silver weights.

Broutin petitions that Mrs. Garic be required to name her attorney and she appoints Rafael Perdomo, who henceforth represents her interests. An inventory is made of the papers, which runs 75 pages and are mostly the official papers

He declares he was first married to Maria Antonia Fortuna, by her he had no children nor did she bring anything to the marriage. About ten years ago he contracted marriage with Estefania Guyon Desrochetes, by her he has four children, Eulalia, aged nine, Francisco, seven, Celesta, five, and Estevan de Rochetes, aged ten months. He and

his wife brought 4100 pesos as advance dowry for which he gave her a receipt as a formality, but in truth he did not receive such a sum nor anything but a little negro girl, named Martha, aged fourteen, valued at 250 pesos. This statement his wife corroborated before the present escribano when she was seriously ill in June of last year. Therefore it is his wish that this part of his marriage contract be considered as null and void, all the rest that it contains must be held in full force and vigor. He owes several small debts to a few persons these he wishes paid when proven legitimate. He names as guardian of his estate and tutrix and curatrix ad bono, his wife, Estefania Guyon, because of the confidence he has in her and relieves her of giving bond. He names his four children as his universal heirs, share and share alike. He appoints in the first place as testamentary executor, his wife, Estefania Guyon and in the second, Estevan Nuismand de Vaugine.

The Court appoints Francisco Broutin curator ad lites for the minor children. He accepts and qualifies without naming a surety (space left blank for the name). Broutin thereupon petitions for an inventory and appraisement of Garic's estate. The Alcalde orders this done by Adrien de la Place and Francisco Bijon. This inventory is taken in the presence of Alcalde Pedro de Verges, Escribano Mazange, Adrien de la Place and Francisco Bijon. The estate consists of table and house furnishings, swords, wearing apparel, provisions, cloth materials, lumber, tobacco, guns, bottles of beer and wine, slaves, carts, horses, a house on Conti Street on a lot measuring 70 feet front by 240 deep. Broutin asks to have the wrought silver appraised by a silversmith and Alcalde de Verges orders Jacobo to put a value on these articles. He values them at the rate of 8 pesos according to the standard of silver weights.

Broutin petitions that Mrs. Garic be required to name her attorney and she appoints Rafael Perdomo, who henceforth represents her interests. An inventory is made of the papers, which runs 75 pages and are mostly the official papers

of his office as escribano of the Cabildo. There are, however among them some private papers showing receipts notes and debts for and against Garic's own estate. Some of the receipts are for his professional services as clerk (Notary) of the Cabildo.

Besides the 113 papers inventoried there are five original exhibits placed in the folio but detached, viz, a bill of 3 pesos, 5 reales, due Mr. Desruisseau by Mrs. Garic. B. Girondeau's note to Mr. Garic for 16 pesos. Bijon's receipt to Mrs. Garic for 40 pesos. Eulalie Garic's baptismal certificate signed by Father Dagobert, dated January 7, 1771. Copy dated Feb. 29, 1748, of a baptismal certificate dated July 10, 1726, Parish of Quintin, Bishopric of St. Brime in Bretagne, certifying to the baptism of Jan Francois Gouyon, son of Matehurin Francois Gouyon and Marie Abrehemet. The god-father was Jan Francois Gouyon, Cure of Monmurtin in lower Normandy, the god-mother Theresa Abrehemet, Dame Desmesteris. This apparently is the baptismal certificate of Mrs. Garic's father.

Broutin asks to have the inventory approved and Mrs. Garic offers no objections. Alcalde de Verges approves the same and Broutin then asks for the sale at public auction of all property inventoried. Mrs. Garic concurs in this request asking that the calls be made and the auction held. De Verges rules: Let the calls be made February 14 and 24 and March 6, the sale on the 11th. The entire estate as inventoried is offered for sale item by item and adjudicated to the highest bidders.

Broutin now alleges that the Court's order was to sell all of Garic's property, but the widow has not presented everything and only a part has been sold. He asks that Mrs. Garic be commanded to produce the rest of the movables within a short space of time so that these also may be auctioned off. Mrs. Garic answers that it was her husband's wish that the landed property and the remainder of the effects be preserved for the benefit and support of her children. She asks that what is left be adjudicated to her at the price of its valuation, promising to give bond, praying de Verges to interpose his authority and judicial decree for the greater force and validation of this adjudication. This is ordered sent to Broutin.

In a second petition Mrs. Garic says that they have added to the inventory of her husband's estate, papers that belonged to his office as escribano at the Cabildo. These she turned over to his successor, Leonardo Mazange, so that they could never be shown and used in prejudice against her in Court. Alcalde de Verges orders these bills and receipts that Widow Garic claims she has delivered to the escribano who has taken charge of her late husband's office, be formally and legally received for. Mazange then signs a receipt for all papers surrendered to him.

The papers referred to in this receipt are those mentioned in the inventory. This includes within its 75 pages a list of 113 pages, one of them being a sale of the Jesuit property supposedly in Illinois. There is no mention of any notarial books such as are now in the office of the Custodian of Notarial Records in New Orleans. The writer's study of this inventory confirms an earlier impression of his habits received in the study of his various acts heretofore digested in this Index. He seems to have had no system nor method in his work and the papers left by him show he mixed his own and official papers indiscriminately. He seems moreover to have literally died on his feet, for his signatures degenerated into a feeble scrawl. It should be added that he left his wife almost destitute as the aftermath of innumerable law suits.

Broutin in another petition alleges that he was present at the taking of the inventory where they found five taxations of costs for various law suits while Garic was acting as escribano. These appear under file numbers 15, 96, 98, 100 and 101 and considering the fees that should come to him and the other ministers of Justice for their services in these suits he asks that Mrs. Garic who has these taxations in her possession be ordered to deliver them to the present escribano to be put with the records of the inventory so that each one may receive his just dues. Mrs. Garic is commanded to do as requested. Broutin having thus taken care of his fees for services in past law suits now opposes the adjudication of the remainder of the estate to the widow, saying he had asked for the sale and she had consented, however he prays that Alcalde de Verges will order what will be just and most beneficial to the minors. This is sent to Mrs. Garic.

The widow answers that it is true she consented to the sale, but at the time she did so she had no one to represent her rights, nor any knowledge of how prejudicial it would be to her dowry and to her children. She is better informed now and sees that it is better to avoid costs. De Verges on the advice of Postigo adjudicates the property to Mrs. Garic as tutrix of her minor children and testamentary executrix, and further orders that the amount realized from this sale be put at interest for the support of the minor children.

Jacinto Panis has now become Alcalde and on September 6, 1782, Broutin asks that the records of the case be delivered to him to be used for the rights of his minors, and that since the estate has been adjudicated to the widow she should be ordered to render account and sworn statement of her administration of the property. This she is ordered to do within 8 days, but fails to obey the Court's decree. The record closes here.

December 11.

**Manuel de Lanzos
claims the freedom of
the mestiza, Maria
Santilly.**

No. 3617. 8 pp.
Court of Governor Galvez
and Alcalde Piernas.
Assessor, Postigo.
Escribano, L. Mazange.

The petitioner sues the owner of the "brown slave Maria" to cause her to be emancipated. His ground of action is the good service he has received from this slave, and he desires to have her freed: (1) In recompense for her services; (2) To fulfill the will of our sovereign to redeem from captivity all who are so held and as the law provides.

It appears from the owner's testimony that "Maria was born in his house," daughter of a savage (Indian), his slave, and that she is his own property.

The suit is arranged amicably and Maria is transferred to another person. The petitioner seems to drop out of the picture before the case ends.

intrinsic value. He further asks the books of his office to see if there is any mortgage recorded against Maria.

He further alleges a fear that Santilly moved by passion, or cruelty has inflicted this poor unfortunate woman with some frightful punishment or torture. To prevent such consequences and in justice to Maria he asks that the escribano take the slave from her master's house and to place her at the disposition of this Tribunal that she be deposited in the Charity Hospital, or wherever the Governor may suggest. That she be granted her freedom, and the escribano be authorized to execute the proper act of emancipation according to the Royal Ordinance of Alcavala. That whatever is due or necessary to purchase the liberty of the slave will be promptly paid by him in current silver.

Galvez on Postigo's advice orders Santilly to swear and declare to whom the slave, Marie Santilly belongs and to notify him that before Thursday's Audience he must name an appraiser to put a value on her and if she does not belong to

In a petition to the Governor Manuel de Lanzos, Lieutenant of Infantry of this place (N. O.) sets forth that in remuneration for the good service he has received from Mr. Santilly's brown slave, Maria, he has delivered to her owners the sum at which she was appraised so as to obtain a verification of her freedom.

He wishes to give this woman her liberty first of all in recompense for her services and secondly to fulfill the will of our Sovereign to redeem from captivity all who are so held, and as the law provides. His interest in Maria is aroused by gratitude and a sense of charity.

He asks that Mr. Santilly be ordered to show his title to ownership of the slave, with the understanding that if he has alienated her he will state to whom, for what amount, in what month and year and before what Notary the act of sale was passed. If no act of sale or alienation has been executed, that he name an appraiser to arrive at a knowledge of her

asks that the escribano examine

him to notify the person to whom she does belong of this decree. "Let the administrator of the office of mortgages certify what liens or mortgages that he may find recorded against this slave and let her be deposited as prayed."

Pedro Francisco Santilly, Chevalier of the Royal and Military Order of St. Louis, testifies that his slave, Maria, was born in his house, daughter of a savage, (Indian) his slave and that she is his own property and that as such he possesses her.

Mazange certifies that examination of the books in his charge shows that Marie Santilly belongs to Pedro Santilly and that up until this day there is no mortgage, or lien recorded against her. Mazange further testifies that in fulfillment of the order he removed Marie Santilly from Pedro Santilly's power and placed her with Manuel Armesto as is customary, who obligates himself to hold her at the disposition of the Court and to produce her when required so to do.

Santilly names Adrien de la Place as appraiser for Marie, his mestiza slave. He is accepted by the Court and the other party ordered to name his, but before anything further is done Pedro Santilly and Manuel Lanzos, in a joint petition, say they have come to an agreement by the former selling the slave to the latter and both ask that the case be dropped. This petition is granted, the purchaser to be given the slave who must receipt for her. A marginal note signed by Mazange states that on December 18, 1779, the act of sale for the slave was drawn up as ordered.

Mazange certifies that Antonio de Oro says he has received the mestiza, Maria, who was in Andres Armesto's possession and in virtue of the order to acknowledge receipt of her he draws up a formal receipt which he signs. A marginal note states that on the same day Antonio de Oro authorized the act of delivery of the slave. Fernando Rodriguez, Santilly's attorney averring that the suit is concluded asks for a taxation of costs. Alcalde Piernas who has taken over the case orders the costs taxed by Manuel Armesto. He accepts and qualifies but the taxation is never made and the record ends here.

Note: The text does not explain Antonio de Oro's connection with the suit, nor what becomes of Manuel de Lanzos and his altruistic scheme for ransoming captives. L. L. P.

No date.

(All spaces left
blank for dates)

**Inventory of the estate of
Larive, fugitive from
this Province.**

Francisco Lamar and Francisco Duvernay state that they were employed in the services of Eustachio Larive, master silversmith of this city. They went as usual to his house at six o'clock

No. 3606. 14 pp.
Court of Alcalde
Pedro Piernas.
No Assessor.
No escribano named.

done everything necessary to find him. They suspect he has fled as appearances show. They pray the Court to order what is in accordance with law, but principally to open the doors of the house so that they may get what belongs to them there. They further ask the Alcalde to take into consideration that Larive owes them their salaries already earned, sixteen pesos to Lamar and thirteen and a half to Duvernay. Alcalde Piernas enters an order in accordance with the prayer.

The next entry, still undated records that Alcalde Pedro Piernas, accompanied by the escribano (not named) in the presence of Francisco Lamar and Francisco Duvernay and many persons who collected, went to the house belonging to the Trudeau heirs where Eustachio Larive made his home and arriving there they broke open the doors of the part that was rented to him. This was actually done by Antonio Dejan, a master locksmith of this city who broke one of the locks on a door in the Court Yard. The Alcalde, escribano, creditors and many people entered, but it was evident that Larive was not there. They found on top of one of the tables a petition directed to His Honor, Pedro Piernas, who immediately ordered it filed with these proceedings so as to give the necessary decree.

The memorial, or petition made to Don Antoine Piernas reads: After acknowledging the fatal sin into which he was plunged during all of last Carnival (does not name the sin) but he still retains the sentiments of an honest man. He asks God to give him the strength to overcome this fatal weakness into which he does not ever wish to fall again. He can do no more for the present than to cede and transfer to his creditors everything he has. The Alcalde orders that it is apparent from this petition that Eustachio Larive has fled. Let an inventory, description and enumeration be taken of his effects that are in this house and done deposit them with the General Receiver.

The inventory is made in the presence of the above named officials with Ducros, the Receiver, and the creditors. The list shows many small articles mostly buckles made of silver or gold apparently left with him to be repaired. There were also some few household things the implements of his trade and a little money. All things mentioned are deposited with the General Receiver, who receipts for them.

Messrs Lamar and Duvernay ask that these things be cried and sold at public auction. This is granted. One call is made and the auction held of the things that actually be-

in the morning to work, but found the place closed and without a key and although they waited until night Larive did not appear and can not be found in the city even though they have

longed to Larive. The sale nets 73 pesos, 6 reales. The two creditors pray to be paid their salaries as privileged creditors. Piernas rules: "As it is prayed, to this effect notify the General Receiver, Joseph Ducros, so that he may pay these debts under the corresponding receipts." The debts are paid, Fansoi Duvernai signing for both creditors, who acknowledge that they have received their salaries due to them by the fugitive Larive.

No date.

Concursus of Creditors of the late Juan Lamothe.

No. 3603. 7 pp.

Court of Alcalde de Verges.

No escribano mentioned in the record, Garic's name is on the fly leaf of the folio.

Patricio Morgan representing his company presents Mr. Lamothe's note for "151 dollars, two ryllals" and claims 141 pesos, 2 reales due on it from the deceased Lamothe. He asks for a comparison of signatures to be made by the escribano with those in his Archives.

Juan B. Pomet presents a note for 15 pesos and asks that the guardian of the estate pay it.

Dominique Langourant presents a note and a letter, both signed by Lamothe claiming a debt of 76 pesos from his estate. He asks to have the escribano make a comparison of signatures. This ends the record which is without any rulings by Alcalde de Verges, or certifications and notifications by Garic. Evidently this suit like other undated ones in the 1779 file was left unfinished in Garic's office at the time of his death.

Space left blank for the date until the last entry August 12, 1791. This suit was actually begun February 1, 1777.

Succession of Constanza Volant, inventory and valuation of her estate.

No. 3627. 20 pp.

Courts of Governors Galvez and Miro.

Escribanos, Garic and Pedesclaux.

The record begins with an account of the departure from the city to the country of the party of officials who went to make an appraisement and inventory of the late Costanza Volant's estate. This shows that Juan Dorotheo del Postigo y Valderama, auditor of war and assessor general for this Province, commissioned for the purpose by the Judge of these proceedings, Don Bernardo de Galvez, Pensioned Chevalier of the Royal and distinguished

Order of Carlos III, Colonel of the Royal Armies, Intendant Inspector and Governor General of the Province of His Majesty, accompanied by escribano Garic, Francisco Broutin, curator ad lites of the minor daughter left by Maria Constanza Volante, Vincente de Morant, father of the said minor and husband of the late Constanza Volant, Joseph Adrien de la

Place and Francisco Bijon, experts named for the appraisement of the property left by the deceased. They embarked in a pirogue at nine o'clock in the morning in front of the city. Transportation was placed at their disposal by Vicente de Morant, guardian of the estate to take them to the plantation situated on the same side of the lower river, about two leagues down. They disembarked at half past eleven and began the making of the inventory and valuation of the estate consisting of house furnishings, table service, kitchen utensils, horses, cattle, slaves, several of these belonged to de Morant alone as he bought them after his wife's death. Among the buildings are listed the main house, kitchen, servant's rooms, a store house, slaves' cabins, in bad condition, two vats for indigo. The land measured 7 arpents front by 40 deep. When the inventory was finished, the parties took the pirogue with two negro rowers and went up the river arriving at the city at 4 o'clock in the afternoon.

July 30, 1791, this suit is resumed by Charlotte Constance Morant who petitions saying she has arrived at the age when the law allows her to choose her own guardian. She asks to name Santiago Felipe Guinault to this office. Governor Estevan Miro on the advice of Assessor Nicolas Maria Vidal's rules: Let the escribano be informed that Don Vizente Morant, father of the petitioner, is alive and by law he must be tutor and curator of her person and property. It is declared that as such he must take charge of her defense in all affairs that may present themselves and that if the appointment of a separate curator ad lites be necessary when an occasion might arise that the minor should require one then Santiago Felipe Guinault will be appointed who will have to be notified for his acceptance, oath and bond and when done he will be appointed to the charge of curatorship. This judgment ends the folio.

(To be Continued)



BY-LAWS
OF
THE LOUISIANA HISTORICAL SOCIETY

Adopted at a Regular Meeting of the Society, April 22, 1930

ARTICLE I. NAME

The name of this Society is The Louisiana Historical Society.

ARTICLE II. OBJECT

The object of this Society is "the collecting and preserving of facts, documents, records and memorials relating to the natural, aboriginal, and civil history of this state."

ARTICLE III. MEMBERS

Section 1. The members of this Society shall be composed of such persons as are mentioned in the act of incorporation by the legislature of this state, approved April 30, 1877, being Act 108 of the Extra Session of 1877, and such other persons as may be duly elected.

Section 2. There shall be two classes of members—Active and Honorary.

Section 3. Nomination for Active Membership shall be signed by two Active Members, and submitted to the Executive Committee, who will report their recommendation at the next meeting of the Society.

Section 4. Nomination for Honorary Membership may be offered by any Active Member of the Society to, or may be suggested by the Executive Committee, and on the approval of six members of the Executive Committee shall be recommended to the Society for final action.

Honorary Members shall be exempt from dues.

Section 5. For cause deemed sufficient by the Executive Committee any member of the Society may be suspended or expelled by the Executive Committee by the affirmative vote of six members of the Committee, provided such member shall have had previous notice in writing of the charge or charges against such member, and an opportunity to be heard thereon before the Executive Committee.

ARTICLE IV. DUES

Section 1. The dues of the Society shall be Two Dollars annually payable in advance.

Section 2. These dues shall become delinquent on November 30th.

A member, who, on the 31st day of December of any year, shall still owe dues for the current year, shall be automatically dropped from the roll, provided that on December 1st the treasurer has sent a notice of such delinquency to the member's address as registered on the roll of membership.

Section 3. If, within two years from the time he is dropped for the non-payment of dues, a member shall pay all back dues owed by him, he shall by that act be immediately restored to active membership.

ARTICLE V. OFFICERS

Section 1. The officers of the Society shall be a President, a First Vice-President, a Second Vice-President, a Third Vice-President, a Corresponding Secretary, a Recording Secretary, an Editor of the Louisiana Historical Quarterly, who shall be Archivist, and a Treasurer.

Section 2. All the officers above named shall be elected to serve a term of three years, and shall hold office until their successors be elected; said election to be held on the fourth Tuesday of January, 1931, and every third year thereafter.

ARTICLE VI. NOMINATION COMMITTEE

Five active members of the Society not holding office at the time shall be chosen as a Nominating Committee by the Executive Committee at its meeting in December or its meeting previous to an election. This Nominating Committee shall choose a complete ticket, and place same in nomination at the election. The election shall be by a *viva voce* vote.

ARTICLE VII. EXECUTIVE COMMITTEE

The Executive Committee shall consist of the President, First, Second, and Third Vice-Presidents, Corresponding Secretary, Recording Secretary, Editor-Archivist, and the Treasurer.

The Executive Committee shall manage the affairs, property and business of the Society.

Five members shall constitute a quorum.

ARTICLE VIII. VACANCIES

When a vacancy shall occur in any office of the Society by death, resignation or otherwise, such vacancy shall be filled by special election at the next meeting of the Society, due written notice thereof being given.

ARTICLE IX. MEETINGS

Section 1. The regular meetings of the Society shall be held on the fourth Tuesday of October and November, on December 20th, and on the fourth Tuesday in January, February, March, April, May and June of each year, at 8:00 o'clock P. M.

Section 2. Special meetings may be called by the President, or the Executive Committee, or upon written request of fifteen members.

Section 3. The Annual Banquet commemorating the Battle of New Orleans shall be held on or about January 8th.

ARTICLE X. ORDER OF BUSINESS

The general order of business at meetings shall be as follows:

- a. Program of the evening.
- b. Reading of the minutes of last meeting.
- c. Report of the President.
- d. Reports and communications from Officers.
- e. Reports of Committees.
- f. Unfinished business.
- g. New business.

ARTICLE XI. QUORUM

Fifteen members shall constitute a quorum at any meeting except at meetings for the election of Officers, and at any meeting at which these by-laws are amended, at which meetings a quorum shall consist of thirty members.

ARTICLE XII. THE PRESIDENT

The President shall have the general supervision, direction and control of the affairs of the Society and shall preside at all meetings of the Society. In his absence, one of the Vice-Presidents, or one of the other officers shall act in his place. The presiding officer shall decide all questions of order, subject to an appeal to the Society. The President shall appoint all Committees authorized by the Society. The President shall be Chairman of the Executive Committee.

ARTICLE XIII. VICE-PRESIDENT

The President in the event of absence or inability to act shall notify the First Vice-President, who shall perform the duties of President until the President shall return and resume his duties.

In the absence or inability to act on the part of the First Vice-President, the above powers and duties shall devolve upon the Second or Third Vice-Presidents, respectively.

ARTICLE XIV. THE CORRESPONDING SECRETARY

The Corresponding Secretary shall conduct the general correspondence of the Society, and send out all publications, arrange for all exchanges of publications, and shall have charge of the records and library of the Society.

He shall preserve the Official Roll of Membership of the Society.

ARTICLE XV. THE RECORDING SECRETARY

The Recording Secretary shall have charge of the Seal, Charter, By-Laws, and Minutes of the Society. He shall also act as secretary of the Executive Committee. He shall receive for the Society all gifts other than money and assign them to the proper departments of the Society.

He, together with the President, shall certify all acts of the Society.

ARTICLE XVI. THE EDITOR-ARCHIVIST

He, shall be Editor of the Louisiana Historical Quarterly publication of the Society, and as the Archivist shall have charge and supervision of the Archives of the Society.

ARTICLE XVII. THE TREASURER

Section 1. The Treasurer shall send out all bills, collect all dues, and receive all money, donations, gifts and bequests of money made to the Society.

Section 2. He shall deposit same to the credit of The Louisiana Historical Society in such bank or banks as the Executive Committee shall select.

Section 3. He shall issue all checks for the ordinary current expenses of the Society; and all other checks authorized by the Executive Committee; said checks to be countersigned by the President.

Section 4. He shall, together with the President, deposit all securities belonging to the Society in the safety deposit vault selected by the Executive Committee, the coupons or revenue from such investments to be likewise deposited by him in the bank account of the Society.

Section 5. He shall keep a true account of his receipts and disbursements, and make a report of the financial condition of the Society

monthly to the Executive Committee or whenever called upon by the Executive Committee, and an annual report to the Society at its January meeting.

Section 6. Bond in such sum as may be fixed by the Executive Committee, shall be furnished, premium to be paid by the Society.

ARTICLE XVIII. AMENDMENTS OF BY-LAWS

These by-laws may be altered or amended by submitting in writing at a regular monthly meeting the proposed alteration or amendment which shall be voted on at the next regular monthly meeting. Notice of proposed amendments or alteration shall be sent to each member, and a quorum for such amendments shall consist of thirty members. A two-third vote of the members present shall be required to carry the amendment.

ARTICLE XIX

By the adoption of these By-Laws, the Constitution and all other By-Laws of the Society shall be repealed.



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STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION,
ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of the
Louisiana Historical Quarterly, published at New Orleans, Louisiana, for October
1st, 1930.

State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who having been duly sworn according to law, deposes and says that he is the Editor and Archivist of the Louisiana Historical Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 411, Postal Laws and Regulations, to-wit:

1. That the names and addresses of the publishers, and the editor, are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.;
Editor, Henry P. Dart, 1822 Canal Bank Building, New Orleans; Managing Editor,
None; Business Manager, None.

2. That the owner is The Louisiana Historical Society, The Cabildo, New Orleans, La.

3. There are no stockholders, but the officers are: Edw. A. Parsons, Pres.;
Andre Lafargue, 1st Vice-Pres.; James Wilkinson, 2nd Vice-Pres.; Frank H. Waddill,
3rd Vice-Pres.; Geo. C. H. Kernion, Treas.; Henry P. Dart, Archivist and Editor;
R. W. Colomb, Recording Secty.; Henry M. Gill, Corresponding Secty.

(Signed) HENRY P. DART, Editor.

Sworn to and subscribed before me this 29th day of Sept., 1930.

(Signed) JOHN DART, Notary Public.

(Seal)

(My commission expires at death.)

